

ALLIED PAPERS

IN THE
MILITARY COMMISSION
CASE OF

UNITED STATES

V.

ABDUL ZAHIR

ALSO KNOWN AS:

ABDUL BARI

No. 060001

VOLUME VI OF ____ TOTAL VOLUMES
SELECTED FILINGS IN U. S. DISTRICT COURT,
DISTRICT OF COLUMBIA (WASHINGTON D. C.)
(NO REDACTIONS OF COURT'S PUBLIC RECORDS)

(Number 05-CV-1236-RWR at
[HTTP://WWW.DCD.USCOURTS.GOV/DISTRICT-
COURT.HTML](http://www.dcd.uscourts.gov/district-court.html))

United States v. Abdul Zahir, No. 060001

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A more detailed index for each volume is included at the front of the particular volume concerned. An electronic copy of the redacted version of this record of trial is available at <http://www.defenselink.mil/news/commissions.html>.

Some volumes have not been numbered on the covers. The numerical order for the volumes of the record of trial, as listed below, as well as the total number of volumes will change as litigation progresses and additional documents are added.

After trial is completed, the Presiding Officer will authenticate the final session transcript and exhibits, and the Appointing Authority will certify the records as administratively complete. The volumes of the record of trial will receive their final numbering just prior to the Appointing Authority's administrative certification.

Transcript and Review Exhibits are part of the record of trial, and are considered during appellate review. Volumes I-VI, however, are allied papers and as such are not part of the record of trial. Allied papers provide references, and show the administrative and historical processing of a case. Allied papers are not usually considered during appellate review. *See generally United States v. Gonzalez*, 60 M.J. 572, 574-575 (Army Ct. Crim. App. 2004) and cases cited therein discussing when allied papers may be considered during the military justice appellate process, which is governed by 10 U.S.C. § 866). For more information about allied papers in the military justice process, see Clerk of Military Commission administrative materials in Volume III.

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NUMBER

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| II¹ | Supreme Court Decisions: <i>Rasul v. Bush</i>, 542 U.S. 466 (2004); <i>Johnson v. Eisentrager</i>, 339 U.S. 763 (1950); <i>In re Yamashita</i>, 327 U.S. 1 (1946); <i>Ex Parte Quirin</i>, 317 U.S. 1 (1942); <i>Ex Parte Milligan</i>, 71 U.S. 2 (1866) |

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APPEAL, HABEAS, PROSE-PR, TYPE-G

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:05-cv-01236-RWR**

ABDULZAHER v. BUSH et al
Assigned to: Judge Richard W. Roberts
Lead case: [1:05-cv-01623-RWR](#) ([View Member Cases](#))
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 06/22/2005
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Petitioner

ABDULZAHER

represented by **Robert A. Gensburg**
GENSBURG ATWELL &
BRODERICK
P.O. Box 248
St. Johnsbury, VT 05819
(802) 748-5338
Email: bob@bgba.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

GEORGE W. BUSH
President of the United States

represented by **Marc A. Perez**
U.S. DEPARTMENT OF
JUSTICE
20 Massachusetts Avenue, NW
Room 7326
Washington, DC 20530
US
(202) 514-4505
Email: marc.perez@usdoj.gov
ATTORNEY TO BE NOTICED

Preeya M. Noronha
U.S. DEPARTMENT OF
JUSTICE

20 Massachusetts Avenue, NW
Room 7226
Washington, DC 20530
(202) 514-3338
Fax: (202) 616-8202
Email: preeya.noronha@usdoj.gov
ATTORNEY TO BE NOTICED

Respondent

DONALD RUMSFELD
*Secretary, United States
Department of Defense*

represented by **Marc A. Perez**
(See above for address)
ATTORNEY TO BE NOTICED

Preeya M. Noronha
(See above for address)
ATTORNEY TO BE NOTICED

Respondent

JAY HOOD
*Army Brigadier General,
Commander, Joint Task Force-
GTMO*

represented by **Marc A. Perez**
(See above for address)
ATTORNEY TO BE NOTICED

Preeya M. Noronha
(See above for address)
ATTORNEY TO BE NOTICED

Respondent

MICHAEL I. BUMGARNER
*Army Colonel, Commander, Joint
Detention Operations Group-JTF-
GTMO*

represented by **Marc A. Perez**
(See above for address)
ATTORNEY TO BE NOTICED

Preeya M. Noronha
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2005	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 0.00.) filed by ABDULZAHER.(jf,) (Entered: 06/24/2005)
06/22/2005		FIAT ORDER granting leave to file without prepayment of cost.

		Signed by Judge Ricardo M. Urbina on 06/22/05. (jf,) (Entered: 06/24/2005)
07/08/2005	2	ORDER TO SHOW CAUSE in writing within 45 days of service and directing clerk to provide a copy of Order to U.S. Marshal for serving respondents. Signed by Judge Richard W. Roberts on 7/8/2005. (lcrwr3) (Entered: 07/08/2005)
07/18/2005	3	MEMORANDUM OPINION AND ORDER. Signed by Judge Richard W. Roberts on 7/18/2005. (lcrwr3) (Entered: 07/18/2005)
07/18/2005	4	MOTION to Stay <i>Proceedings Pending Related Appeals and for Coordination</i> by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER. (Noronha, Preeya) (Entered: 07/18/2005)
07/20/2005		SHOW CAUSE (6)Issued as to GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER; non-parties: USA and US ATTORNEY GENERAL, pursuant to Order to Show Cause 2 (jf,) (Entered: 07/21/2005)
07/27/2005	5	SHOW CAUSE Executed on 07/25/05 as to DONALD RUMSFELD pursuant to Order to Show Cause 2 (jf,) (Entered: 07/28/2005)
07/27/2005	6	SHOW CAUSE Executed on 07/25/05 as to U.S. Attorneys Office (Special Proceedings) on behalf of GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER pursuant to Order to Show Cause 2 (jf,) (Entered: 07/28/2005)
08/02/2005	7	SHOW CAUSE Executed as to U.S. ATTORNEY GENERAL pursuant to Order to Show Cause 2 (jf,) (Entered: 08/03/2005)
08/17/2005	8	SHOW CAUSE Executed on 07/26/05 as to GEORGE W. BUSH pursuant to Order to Show Cause 2 (jf,) (Entered: 08/18/2005)
08/22/2005	9	RESPONSE to 2 <i>Order to Show Cause and Notice of Submission Under Seal</i> filed by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER. (Attachments: # 1 Exhibit A)(Noronha, Preeya) (Entered: 08/22/2005)
08/24/2005	10	NOTICE of <i>Multiple Petitions Filed by Guantanamo Bay Detainee</i> by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER (Noronha, Preeya)

		(Entered: 08/24/2005)
08/26/2005	11	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to JAY HOOD served on 8/16/2005, answer due 10/17/2005. (td,) (Entered: 09/01/2005)
09/22/2005	12	MEMORANDUM OPINION AND ORDER. Signed by Judge Richard W. Roberts on 9/22/2005. (lcrwr3) (Entered: 09/22/2005)
10/14/2005	13	ORDER appointing Federal Defender Offices to represent the petitioners in the respective cases; directing appointed counsel to file a notice of appearance and to obtain a CM/ECF Password for filing and receiving documents. (Attachments: # 1 Exhibit Attorney Schedule) Signed by Chief Judge Thomas F. Hogan on 10/05/05. (jeb,) (Entered: 10/14/2005)
10/17/2005	14	ORDER TO SHOW CAUSE why cases should not be consolidated. Show Cause Response due by 10/27/2005. Signed by Judge Richard W. Roberts on 10/14/2005. (ES) (Entered: 10/17/2005)
11/02/2005	15	ORDER referring all motions pertaining to interpretation or construction of any protective order which has been entered in any of these cases to Magistrate Judge Alan Kay; referring to Magistrate Judge Kay all disputes pertaining to logistical issues, such as communications with or visits to clients and counsel. Signed by Judge Gladys Kessler, Chair of Calendar and Case Management Committee, on 11/2/05. (Entered: 11/02/2005)
11/18/2005	16	NOTICE OF INTERLOCUTORY APPEAL as to 12 Memorandum & Opinion entered on 09/22/05 by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER. No fee/U.S. Government (jf,) (Entered: 11/21/2005)
11/21/2005		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 16 Notice of Interlocutory Appeal (jf,) (Entered: 11/21/2005)
11/21/2005	17	ERRATA <i>Amended Certificate of Service</i> by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER. (Perez, Marc) (Entered: 11/21/2005)
11/22/2005	18	CONSOLIDATION ORDER. Signed by Judge Richard W. Roberts on 11/21/05. (lcrwr1) (Entered: 11/22/2005)
11/22/2005		Cases associated. (lc,) (Entered: 12/14/2005)
12/23/2005		MINUTE ORDER: It is hereby ORDERED that because this

		case is stayed pending resolution of the appeals in In re Guantanamo Detainee Cases, 355 F. Supp. 2d 443 (D.D.C. 2005), appeal docketed, No. 05-8003 (D.C. Cir. March 10, 2005), and Khalid v. Bush et al., 355 F. Supp. 2d 311 (D.D.C. 2005), appeal docketed sub nom. Boumediene v. Bush et al., No. 05-5062 (D.C. Cir. March 10, 2005), this case be, and hereby is, ADMINISTRATIVELY CLOSED until the stay is lifted. While the case is administratively closed parties may still submit filings as permitted or required under the Court's orders. Issued by Judge Richard W. Roberts on 12/23/2005. Associated Cases: 1:05-cv-01623-RWR,1:05-cv-01236-RWR(EHS) (Entered: 12/23/2005)
12/30/2005		USCA Case Number 05-5479 for 16 Notice of Interlocutory Appeal filed by DONALD RUMSFELD,, GEORGE W. BUSH,, JAY HOOD,, MICHAEL I. BUMGARNER,, (jf,) (Entered: 01/05/2006)
01/04/2006	19	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL I. BUMGARNER (Attachments: # 1 Exhibit)(jeb,) (Entered: 01/04/2006)

PACER Service Center			
Transaction Receipt			
04/10/2006 19:12:38			
PACER Login:	dd1468	Client Code:	
Description:	Docket Report	Search Criteria:	1:05-cv-01236-RWR
Billable Pages:	3	Cost:	0.24

FILED

JUN 22 2005

**JOYCE MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Leave to file without
Prepayment of Cost **GRANTED**

ABDULZAHER
Camp Delta
Washington, D.C. 20355

Petitioner

v.

Civil Action No.

GEORGE W. BUSH, President of
the United States

DONALD RUMSFELD, Secretary,
United States Department of Defense

JAY HOOD, Army Brigadier General,
Commander, Joint Task Force-GTMO

MICHAEL I. BUMGARNER, Army
Colonel, Commander, Joint Detention
Operations Group-JTF-GTMO

Respondents

CASE NUMBER 1:05CV01236

JUDGE: Richard W. Roberts

DECK TYPE: Habeas Corpus/2255

DATE STAMP: 06/22/2005

Ricardo M. Urbina

PETITION FOR WRIT OF HABEAS CORPUS

GUAN-2005-T02234

Letter of Petition

ABDULZAHER, son of ABDULGHADER, son of KHALEGHDAD
Address: New Fort, Village of HASARAK, District of POLEELM, Province of Lúgar,
AFGHANISTAN

Birthrate: 1971

ISN#: xxx

To respectful United States Court for the Colombia:

It is 3 years that I am imprisoned by the United States Armed forces in GUANTANAMO Bay without having committed a crime. Recently they have called me Enemy Combatant; therefore, I seriously object to my imprisonment and the name of Enemy Combatant. I request that these issues be resolved fairly by you.

With respect

Complainant: ABDULZAHER

Occupant of GUNATANAMO BAY prison

04-26-2005

GUAN-2005-T 02234

وقفه عرض

عبد الظاهر ولد عبد القادر ولد خالققدار .

باشنده : قلعه نو قریه حصارک -

ولسوالی پل علم ولایت لوگر افغانستان .

تاریخ تولد : 1971م

نمره : ISN 000753

به محکمه محترم : UNITED STATES COURT
FOR THE COLUMBIA

عرض اینست که : بنده سه سال میشود که
بدون کدام جرم و گناه نزد قوای مصلح
ایالات متحده آمریکا در جزیره گوانتانامو
زندانی میباشم و در این اواخر لقب دشمن جنگی
هم برآیم داده شده فلذا : من بالای حبس
بودن و لقب جنگی بودن بنده جداً معترفم

FILED

JUN 22 2005

MICHAEL MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

و خواهان فیصله عادلانه

شما میباشم - با احترام

عارضه : عبد الظاهر
ساکن زندان : جزیره گوانتانامو

05 1236

04.26.2005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	

ORDER DIRECTING RESPONDENT TO SHOW CAUSE

Pursuant to 28 U.S.C. § 2243, it is hereby

ORDERED that within 45 days of service of a copy of this Order and the accompanying Petition, respondent shall file and serve on the petitioner a statement showing why the Writ of *Habeas Corpus* should not issue.

The Clerk of Court is directed to furnish a copy of the Petition and a certified copy of this Order to the United States Marshal for the purpose of serving respondents, the Attorney General of the United States, and the United States Attorney for the District of Columbia.

SIGNED this 8th day of July, 2005.

_____/s/
RICHARD W. ROBERTS
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
MOHAMEDUO OULD SLAHI,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-881 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
CHAMAN,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-887 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
ABDULHAZER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No.: 05-1236 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
ADBUL MAJID HOHAMMADI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No.: 05-1246 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
_____)	

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MEMORANDUM OPINION AND ORDER

Petitioners in each of the above-captioned habeas corpus proceedings are foreign nationals detained at Guantanamo Bay in the custody of the United States who challenge the legality of their detention. Each petitioner is proceeding pro se and in forma pauperis. Because discovery provisions of the Federal Rules of Civil Procedure do not automatically apply in whole to federal habeas corpus proceedings, and because it must be presumed that the petitioners are not familiar with the legal system of the United States, a preservation order will be entered, sua sponte, in these proceedings.

The Supreme Court's opinion in Harris v. Nelson, 394 U.S. 296 (1969), makes clear that while "the power of inquiry on federal habeas corpus is plenary," id. at 291, the discovery provisions of the Federal Rules of Civil Procedure do not automatically apply in whole to federal habeas corpus proceedings, see id. at 294 n. 5, 298-99. Therefore, the preservation obligations that flow to a litigant from the federal discovery rules cannot be presumed to apply to habeas litigants absent some express application by a court. Accordingly, a preservation order in habeas proceedings, particularly in proceedings such as these where there has been no full disclosure

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of the facts on the public record to authorize the challenged detention, is necessary to ensure the fairness and completeness of any evidentiary hearing held in conjunction with these proceedings. Harris v. Nelson also makes clear that a district court's authority to issue orders pursuant to 28 U.S.C. § 1651 in aid of its fact-finding obligations in habeas corpus proceedings is intended to be flexible and should be exercised as the circumstances require for a proper and just disposition.

[The Supreme Court has] held explicitly that the purpose and function of the All Writs Act to supply the courts with the instruments needed to perform their duty [to issue orders appropriate to assist them in conducting factual inquiries] . . . extend to habeas corpus proceedings.

At any time in the [habeas corpus] proceedings, when the court considers that it is necessary to do so in order that a fair and meaningful evidentiary hearing may be held so that the court may properly "dispose of the matter as law and justice require," either on its own motion or upon cause shown by the petitioner, it may issue such writs and take or authorize such proceedings with respect to development, before or in conjunction with the hearing of the facts relevant to the claims advanced by the parties, as may be "necessary or appropriate in aid of [its jurisdiction] . . . and agreeable to the usages and principles of law." 28 U.S.C. § 1651.

. . . Obviously, in exercising this power, the court may utilize familiar procedures, as appropriate, whether these are found in the civil or criminal rules or elsewhere in the "usages and principles of law."

394 U.S. at 299-300 (footnote omitted). In short, "the power of inquiry on federal habeas corpus is plenary" and its exercise

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depends entirely on the circumstances. Harris v. Nelson, 394 U.S. at 291. Accordingly, it is hereby

ORDERED that respondents shall preserve and maintain all evidence, documents and information, without limitation, now or ever in respondents' possession, custody or control, regarding the individual detained petitioners in these cases.

SIGNED this 18th day of July, 2005.

_____/s/
RICHARD W. ROBERTS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re PRO SE GUANTANAMO BAY DETAINEE CASES:

AMEUR MAMMAR v.	)	Civil Action No. 05-CV-1233 (RCL)
GEORGE W. BUSH, <i>et al.</i>)	
)	
AHMED v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1234 (EGS)
)	
ABDUL BAQI v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1235 (PLF)
)	
ABDULZAHER v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1236 (RWR)
)	
AMINULLAH v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1237 (ESH)
)	
HAJJI GHALIB v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1238 (CKK)
)	
ALI ADEL MOTALEB AWEID AL KHAIY v.	)	Civil Action No. 05-CV-1239 (RJL)
GEORGE W. BUSH, <i>et al.</i>)	
)	
ALI ABDULMOTALIB AWEID HASSAN	)	Civil Action No. 05-CV-1240 (RCL)
ALTAIY v. GEORGE W. BUSH, <i>et al.</i>)	
)	
ABDUL HAKIM ABDUL KARIM AMIN	)	Civil Action No. 05-CV-1241 (RMC)
BUKHARI v. GEORGE W. BUSH, <i>et al.</i>)	
)	
AHSANULLAH PIRZAI v.	)	Civil Action No. 05-CV-1242 (RCL)
GEORGE W. BUSH, <i>et al.</i>)	
)	
IHSAN ULLAH PEERZAI v.	)	Civil Action No. 05-CV-1243 (GK)
GEORGE W. BUSH, <i>et al.</i>)	
)	
TARIQ MAHMOUD ALSAWAM v.	)	Civil Action No. 05-CV-1244 (CKK)
GEORGE W. BUSH, <i>et al.</i>)	
)	
ABDUL MAJID MOHAMMADI v.	)	Civil Action No. 05-CV-1246 (RWR)
GEORGE W. BUSH, <i>et al.</i>)	
)	
ABDULRAHIM ABDUL RAZAK AL GINCO v.	)	Civil Action No. 05-CV-1310 (RJL)
GEORGE W. BUSH, <i>et al.</i>)	
)	
EHSAN ULLAH v. GEORGE W. BUSH, <i>et al.</i>	)	Civil Action No. 05-CV-1311 (CKK)
)	

GHALEB NASSAR AL BIHANI v.	)	Civil Action No. 05-CV-1312 (RJL)
GEORGE W. BUSH, <i>et al.</i>)	

**RESPONDENTS' MOTION TO STAY PROCEEDINGS PENDING RELATED APPEALS
AND FOR COORDINATION**

For the reasons explained below, respondents move for a coordinated stay of proceedings in the above-captioned *pro se* Guantanamo Bay detainee cases, pending resolution of all appeals in two other Guantanamo Bay detainee cases, *Khalid et al. v. Bush*, No. 04-CV-1142 (RJL), 355 F. Supp. 2d 311 (D.D.C. 2005), *appeals docketed*, Nos. 05-5062, 05-5063 (D.C. Cir. Mar. 2, 2005), and *In re Guantanamo Detainee Cases*, No. 02-CV-0299, *et al.*, 355 F. Supp. 2d 443 (D.D.C. 2005), *appeal on petition for interlocutory appeal*, No. 05-5064 (D.C. Cir. Mar. 10, 2005). The pending appeals will address the core issues in the above-captioned cases and, thus, determine how the cases should proceed, if at all. As every Judge who has considered this issue has concluded, a stay of proceedings is therefore appropriate.¹

BACKGROUND

The above-captioned cases are among 48 individual *pro se* cases filed by detainees at the United States Naval Base, Guantanamo Bay, Cuba ("Guantanamo Bay"). A total of approximately 115 cases have been filed by or on behalf of more than 200 detainees at Guantanamo Bay and are pending in this Court. The above-captioned *pro se* cases were filed through mailings by detainees to the Court. So far several judges of the Court have issued orders pertaining to certain other *pro se* cases before them. Judges Kollar-Kotelly, Huvelle, Walton and Bates have already stayed cases before them pending the Court of Appeals resolution of the

¹ Due to the extraordinary circumstances presented by these *pro se* cases, *see infra*, respondents' counsel did not confer with each of the *pro se* petitioners regarding this motion, but it is presumed that petitioners oppose the motion.

Khalid and *In re Guantanamo Detainee Cases* appeals.² Judge Roberts has set a schedule for respondents to file and serve “a statement showing why the Writ of *Habeas Corpus* should not issue,”³ and has entered preservation orders in cases pending before him.⁴ And Judge Robertson has ordered respondents to “make a return certifying the true cause of petitioner’s detention” in the cases before him.⁵

² See Order (May 18, 2005), *Rahmattullah v. Bush*, No. 05-CV-0878 (CKK) (staying case; requiring factual return after decision from Court of Appeals in *Khalid* and *In re Guantanamo Bay Detainee Cases*); Order (May 18, 2005), *Gul v. Bush*, No. 05-CV-0888 (CKK) (same); Order (May 18, 2005), *Shaaban v. Bush*, No. 05-CV-0892 (CKK) (same); Order (June 29, 2005), *Nasrat v. Bush*, No. 05-CV-0880 (ESH) (staying case); Order (June 29, 2005), *Basardh v. Bush*, No. 05-CV-0889 (ESH) (same); Order (June 29, 2005), *Kahn v. Bush*, No. 05-CV-1001 (ESH) (same); Order (June 29, 2005), *Ali Shah v. Bush*, No. 05-CV-1012 (ESH) (same); Order (July 8, 2005), *Al-Khalaqi v. Bush*, No. 05-CV-0999 (RBW) (same); Order (June 27, 2005), *Tohirjanovich v. Bush*, No. 05-CV-0994 (JDB) (same); Order (May 25, 2005), *Mangut v. Bush*, No. 05-CV-1008 (JDB) (same); Order (June 27, 2005), *Hamad v. Bush*, No. 05-CV-1009 (JDB) (same); Order (May 25, 2005), *Salaam v. Bush*, No. 05-CV-1013 (JDB) (same).

³ See Order (May 11, 2005), *Slahi v. Bush*, No. 05-CV-0881 (RWR); Order (May 11, 2005), *Chaman v. Bush*, No. 05-CV-0887 (RWR); Order (July 8, 2005), *Abdulzaher v. Bush*, No. 05-CV-1236 (RWR); Order (July 8, 2005), *Mohammed v. Bush*, No. 05-CV-1246 (RWR). Judge Roberts also stayed proceedings in the *Slahi* and *Chaman* cases pending resolution of the *Khalid* and *In re Guantanamo Detainee Cases* appeals. See Mem. Order (June 15, 2005), *Slahi v. Bush*, No. 05-CV-0881 (RWR); Mem. Order (June 15, 2005), *Chaman v. Bush*, No. 05-CV-0887 (RWR).

⁴ See Order (July 18, 2005), *Slahi v. Bush*, No. 05-CV-0881 (RWR); Order (July 18, 2005), *Chaman v. Bush*, No. 05-CV-0887 (RWR); Order (July 18, 2005), *Abdulzaher v. Bush*, No. 05-CV-1236 (RWR); Order (July 18, 2005), *Mohammed v. Bush*, No. 05-CV-1246 (RWR).

⁵ See Order (May 11, 2005), *Khiali-Gul v. Bush*, No. 05-CV-0877 (JR); Order (May 27, 2005), *Mohammad v. Bush*, No. 05-CV-0996 (JR); Order (May 27, 2005), *Zuhoor v. Bush*, No. 05-CV-1011 (JR).

Over fifty non-*pro se* Guantanamo Bay detainee cases have been stayed pending the *Khalid* and *In re Guantanamo Detainee Cases* appeals; no Judge of the Court who so far has addressed the issue has refused to stay such a case.⁶

ARGUMENT

A coordinated stay of these *pro se* cases is appropriate. The *Khalid* and *In re Guantanamo Detainee Cases* involve decisions of Judges Leon and Green, respectively, regarding the claims, if any, available to Guantanamo Bay detainees. The appeals of those cases thus will address the core issues in these *pro se* cases, including whether Guantanamo Bay detainees have judicially enforceable rights under the Constitution, statutes, or various international treaties. Those appeals, therefore, will determine how the Guantanamo Bay detainee cases, including these *pro se* cases, should proceed, if at all. It makes no sense for these cases to proceed in advance of resolution of the appeals; further proceedings would require the expenditure of judicial and other resources that may be avoided as a result of the appeals, and, in any event, such proceedings very likely would have to be revisited or relitigated when the Court of Appeals provides guidance regarding handling of the claims in these Guantanamo Bay detainee cases. Indeed, Judges Kollar-

⁶ See, e.g., *Deghayes v. Bush*, No. 04-CV-2215 (RMC) (dkt. no. 7); *Al Mohammed v. Bush*, No. 05-CV-0247 (HHK) (dkt. no. 18); *El-Mashad v. Bush*, No. 05-CV-0270 (JR) (dkt. no. 29); *Al-Adahi v. Bush*, No. 05-CV-0280 (GK) (dkt. no. 35); *Al-Wazan v. Bush*, No. 05-CV-0329 (PLF) (dkt. no. 15); *Al-Anazi v. Bush*, No. 05-CV-0345 (JDB) (dkt. no. 21); *Ameziane v. Bush*, No. 05-CV-0392 (ESH) (dkt. no.12); *Sliti v. Bush*, No. 05-CV-0429 (RJL) (dkt. no. 5); *Qayed v. Bush*, No. 05-CV-0454 (RMU) (dkt. no. 4); *Al Shamri v. Bush*, No. 05-CV-0551 (RWR) (dkt. no. 10); *Magram v. Bush*, No. 05-CV-0584 (CKK) (dkt. no. 9); *Battayav v. Bush*, No. 05-CV-0714 (RBW) (dkt. no. 12).

Kotelly, Roberts, Huvelle, Walton and Bates have recognized these issues and stayed the *pro se* cases before them pending a decision from the Court of Appeals.⁷

A coordinated stay should also include a stay on any requirement, including any requirement previously imposed by Court order, *see supra* notes 3 & 5, that respondents submit any kind of factual return or other return to the *pro se* petitions. Aside from the fact that the Court of Appeals, in *Khalid* and *In re Guantanamo Detainee Cases*, will be considering the proper scope of these habeas proceedings, including whether these cases can be dismissed without reference to specific factual returns for petitioners, little utility would be served by requiring respondents to submit factual returns at this time. In those detainee cases in which factual returns have been required and filed, such returns have typically consisted of records of proceedings before the Combatant Status Review Tribunal (“CSRT”), which the military uses to review and confirm detainees’ ongoing status as enemy combatants subject to detention. Such returns include

⁷ The Court has the authority to stay proceedings in habeas cases, even prior to the filing of a response. Pursuant to the Rules Governing Section 2254 Cases in the United States District Courts (the “2254 Rules”), which are applicable to petitions for writ of habeas corpus other than those arising under 28 U.S.C. § 2254, such as the petitions in these cases, *see* 2254 Rule 1(b), a court may extend the deadline for responses to habeas petitions beyond the time limits set forth in 28 U.S.C. § 2243 — the 2254 Rules do not indicate a fixed deadline for responding to habeas petitions, and they supersede the time limits set forth in 28 U.S.C. § 2243. Rule 4 provides that “the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order. . . .” *See Bleitner v. Welborn*, 15 F.3d 652, 653-54 (7th Cir. 1994) (“[T]he Rules Governing Section 2254 Cases in the United States District Courts, which have the force of a superseding statute, 28 U.S.C. § 2072(b) . . . loosened up the deadline for responses. Rule 4 leaves it up to the district court to fix the deadline.”); *Castillo v. Pratt*, 162 F. Supp. 2d 575, 577 (N.D. Tex. 2001) (denying § 2241 petitioner’s request for expedited consideration because “[t]he discretion afforded by Rule 4 of the 2254 Rules ‘prevails’ over the strict time limits of 28 U.S.C. § 2243”). *See also Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936) (“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *id.* at 256 (noting propriety of stay in cases “of extraordinary public moment”).

both classified and unclassified material, and often a full explanation of the reasons justifying the detention of a particular detainee necessarily involves classified or otherwise protected information that, pursuant to military rules and/or the Protective Orders entered in various detainee habeas cases, may not be shared with a detainee (whose detention was initiated because he was believed to pose a threat or danger to the security of the Nation and its troops or citizens).⁸

With respect to information supporting detention that can be shared with a detainee, each detainee has already had the opportunity to participate in the CSRT process, and during that process, an unclassified summary of the evidence supporting the detainee's classification as an enemy combatant was made available to the detainee in advance of the CSRT hearing. *See* Memorandum dated July 29, 2004 regarding Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Encl. (1) ¶¶ F(8), H(5) (available online at: www.defenselink.mil/news/Jul2004/d20040730comb.pdf). A detainee also would have been permitted to attend and testify in the open portions of the CSRT proceedings. *See id.* ¶ F(3). There would be little utility in requiring respondents to rehash in a return information the detainee already had the opportunity to learn, especially when proceedings in these cases otherwise should be stayed pending the appeals.

A coordinated stay, including a stay on any kind of return to the petition, would also be warranted to the extent it would be appropriate to attempt to find volunteer counsel for any of the

⁸ A detainee's counsel may have access to classified and protected materials in a factual return pertaining to the detainee, but only after counsel obtains a security clearance and otherwise complies with the protective order made applicable in other Guantanamo Bay detainee cases, which prohibits the sharing of classified information with a detainee. *See* November 8, 2004 Amended Protective Order and Procedures for Counsel Access To Detainees at the United States Naval Base In Guantanamo Bay, Cuba, ¶ 30, *In re Guantanamo Detainee Cases*, 344 F. Supp. 2d 174 (D.D.C. 2004).

pro se petitioners who desire such counsel. These *pro se* cases were presumably filed as a result of notifications provided by the Department of Defense (“DoD”) informing detainees that they could seek review of their detention by petitioning the Court. Petitioners, however, are likely unfamiliar with United States law and the American legal system, typically do not speak or write English, and have access to the Court only through mail and not the Court’s electronic filing system. Given these factors, as well as the fact that petitioners are not permitted access to classified information supporting their detention, recruitment of volunteer counsel for petitioners who desire counsel may be appropriate.⁹ Further, respondents have ascertained that several *pro se* petitioners have filed multiple petitions for writ of habeas corpus that are pending before the Court, and respondents are considering how to proceed with regard to these petitions, including whether to file motions to dismiss the later-filed petitions and/or motions to consolidate the later-

⁹ Indeed, certain petitioners in *pro se* cases have explicitly requested representation by counsel. *See, e.g., Shaaban v. Bush*, No. 05-CV-0892 (CKK) (dkt. no. 6). For its part, DoD is in discussions with an attorney organization regarding recruiting volunteer counsel for *pro se* petitioners who may desire representation.

filed petitions into the first-filed petitions.¹⁰ A coordinated stay of the cases would permit any such efforts to go forward and promote efficiency in the cases.

CONCLUSION

For the foregoing reasons, the Court should stay further proceedings in these *pro se* cases, including any requirement for a return to the petitions, pending resolution of the appeals in *Khalid* and *In re Guantanamo Detainee Cases*.

Dated: July 18, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DAVID B. SALMONS
Assistant to the Solicitor General

DOUGLAS N. LETTER
Terrorism Litigation Counsel

¹⁰ Petitioner Ali Adel Motaleb Aweid Al Khaiy (*Al Khaiy v. Bush*, No. 05-CV-1239 (RJL)) also filed a petition as Ali Abdulmotalib Aweid Hassan Altaiy (*Altaiy v. Bush*, No. 05-CV-1240 (RCL)). Petitioner Ahsanullah Pirzai (*Pirzai v. Bush*, No. 05-CV-1242 (RCL)) also filed petitions as Ihsan Ullah Peerzai (*Peerzai v. Bush*, No. 05-CV-1243 (GK)) and Ehsan Ullah (*Ullah v. Bush*, No. 05-CV-1311 (CKK)). Petitioners Akhtar Mohammed (*Mohammed v. Bush*, No. 05-CV-1002 (EGS)), Haji Nasrat (*Nasrat v. Bush*, No. 05-CV-0880 (ESH)) and Syed Muhammad Ali Shah (*Ali Shah v. Bush*, No. 05-CV-1012 (ESH)) have subsequent petitions filed on their behalf in *Mousovi v. Bush*, No. 05-CV-1124 (RMC) (petitioners Abdul Razak Iktiar Mohammed, Haji Nusrat and Ali Shah Mousovi). Petitioner Ameer Mammar (*Mammar v. Bush*, No. 05-CV-0573 (RJL)) also filed a petition as Ameer Mammar (*Mammar v. Bush*, No. 05-CV-1233 (RCL)). Petitioner Mohammedou Ould Salahi (*Salahi v. Bush*, No. 05-CV-0569 (JR)) also filed petitions as Mohamedou Ould Slahi (*Slahi v. Bush*, No. 05-CV-0881 (RWR)) and Mohamedou Ould Slahi (*Slahi v. Bush*, No. 05-CV-0995 (GK)). A motion to consolidate these later-filed petitions into the earliest-filed case, *Salahi v. Bush*, No. 05-CV-0569 (JR), is pending before the Court.

/s/ Preeya M. Noronha

JOSEPH H. HUNT
VINCENT M. GARVEY
TERRY M. HENRY
JAMES J. SCHWARTZ
PREEYA M. NORONHA
ROBERT J. KATERBERG
NICHOLAS J. PATTERSON
ANDREW I. WARDEN
EDWARD H. WHITE

Attorneys

United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044
Tel: (202) 514-2000

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2005, I caused a copy of the foregoing Respondents' Motion to Stay Proceedings Pending Related Appeals and for Coordination to be served via U.S. Mail, First Class postage prepaid, on the petitioners in these cases at the following address:

Camp Delta; Guantanamo Bay
Washington, D.C. 20355

/s/ Preeya M. Noronha
PREEYA M. NORONHA
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

(2)

PLAINTIFF

Abdulzaher

COURT CASE NUMBER

05-1236 RWR

DEFENDANT

George W. Bush

TYPE OF PROCESS

Order Directing**Respondent to Show Cause****SERVE**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

**Donald Rumsfeld, Secy. - U.S. Dept. of Defense**

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT**The Pentagon - 1600 Defense Pentagon, Washington, DC 20301**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be
served with this Form - 285Number of parties to be
served in this caseCheck for service
on U.S.A.SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All
Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

RECEIVED
2005 JUL 21 A 10:58
U.S. MARSHALS SERVICE
DISTRICT OF COLUMBIA

Signature of Attorney or other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINEI acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more
than one USM 285 is submitted)

Total Process

District
of OriginNo. **16**District
to ServeNo. **16**

Signature of Authorized USMS Deputy or Clerk

Date

7/21/05I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and dis-
cretion then residing in the defendant's
usual place of abode.

Address (complete only if different than shown above)

Date of Service Time am

07-25-05**1403****pm**

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

\$45**.90 p****45.90**

REMARKS:

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

3

PLAINTIFF

Abdulzaher

COURT CASE NUMBER

05-1236 RWR

DEFENDANT

Geroge W. Bush

TYPE OF PROCESS

Order Directing**Respondent to Show Cause****SERVE**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

U.S. Attorneys Office - Special Proceedings

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT**Room 10-435, 555 4th St, NW, Washington, DC 20001**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

Signature of Attorney or other Originator requesting service on behalf of:

☐ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINEI acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

District to Serve

Signature of Authorized USMS Deputy or Clerk

Date

No. **16**No. **16****7/21/05**I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Don Shaper, USAO Special Proceedings

Address (complete only if different than shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

Time

am

07-25-05**11:30**

pm

Signature of U.S. Marshal or Deputy

Don Shaper

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

\$45

REMARKS:

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Page 25

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

4

PLAINTIFF Abdulzaher		COURT CASE NUMBER 05-1236 RWR
DEFENDANT George W. Bush		TYPE OF PROCESS Order Directing Respondent to Show Cause
SERVE ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN U.S. Attorney General - DOJ	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 950 Pennsylvaniva Ave, NW, Washington, DC 20530	
AT		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

Signature of Attorney or other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 16	District to Serve No. 16	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 7/21/05
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I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

DANZLER, DONNA MAIL ROOM ASST☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

(SAME)

Date of Service

7/21/05 @ 3:20 pm

Signature of U.S. Marshal or Deputy

[Signature] **BERTRAND**

Service Fee \$45	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

Served to Donna Danzler @ above address. KB.

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF Abdulzاهر		COURT CASE NUMBER 05-1236 RWR
DEFENDANT Geroge W. Bush, et al		TYPE OF PROCESS Order Directing Respondent to Show Cause
SERVE ➡ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN George W. Bush, President, USA	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1600 Pennl Ave, NW. Washington, DC 20502	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

RECEIVED JUL 21 A 10:58 MARSHALS OFFICE DISTRICT OF COLUMBIA	Fold
---	------

Signature of Attorney or Other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. 16	No. 16	<i>Francis Tell</i>	7/21/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

A. Sharn Murray - Roberts, W.H. Counsel

Address (complete only if different than shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

Time

7-26-05 10:32 am

Signature of U.S. Marshal or Deputy

[Signature]

Service Fee 45.00	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
					45.00	

REMARKS:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-CV-1236 (RWR)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	

**RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE AND
NOTICE OF SUBMISSION UNDER SEAL**

Respondents hereby submit, as explained herein, the final record of proceedings before the Combatant Status Review Tribunal pertaining to petitioner Abdul Sahir (listed in the petition as Abdulzaher) in response to the July 8, 2005 docket entry in this matter, entitled "Order Directing Respondent to Show Cause," directing respondents to "file and serve on the petitioner a statement showing why the Writ of *Habeas Corpus* should not issue." For the reasons explained in the record, petitioner Abdul Sahir has been determined to be an enemy combatant affiliated with forces engaged in hostilities against the United States and its coalition partners. Accordingly, petitioner Abdul Sahir is lawfully subject to detention pursuant to the President's power as Commander in Chief or otherwise, and is being detained.

The portion of the record suitable for public release is attached hereto. See Exhibit A. The remaining portion of the record, including information that is classified or not suitable for public release, which may not be shared with petitioner Abdul Sahir, is being submitted to the Court under seal for *in camera* review.

For the reasons explained in the record, petitioner Abdul Sahir has been determined to be an enemy combatant and is, therefore, lawfully subject to detention pursuant to the President's power as Commander in Chief or otherwise. Accordingly, the petition for writ of habeas corpus should be dismissed and the relief sought therein denied.

Dated: August 22, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

/s/ Preeya M. Noronha

JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)
TERRY M. HENRY
JAMES J. SCHWARTZ
PREEYA M. NORONHA
ROBERT J. KATERBERG
NICHOLAS J. PATTERSON
ANDREW I. WARDEN
EDWARD H. WHITE
Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20530
Tel: (202) 514-2000

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2005, I caused a copy of the foregoing Respondents' Response to Order to Show Cause and Notice of Submission Under Seal, and Exhibit A attached thereto, to be served via U.S. Mail, First Class postage prepaid, on petitioner:

Abdul Sahir
Camp Delta; Guantanamo Bay
Washington, D.C. 20355

/s/ Preeya M. Noronha
PREEYA M. NORONHA
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL SAHIR,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-1236 (RWR)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abdul Sahir that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 16 August 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0450

29 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 753

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #753 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final.

A handwritten signature in black ink, reading "J. M. McGARRAH", is positioned above the printed name.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED

12 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 753

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

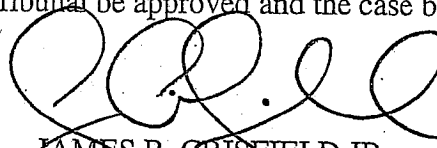
Encl: (1) Appointing Order for Tribunal #2 of 2 August 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # 753 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Marine Corps; President

[REDACTED] Lieutenant Colonel, U.S. Army; Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
U.S. Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

25 September 2004


MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 753

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].


DAVID L. TAYLOR
Colonel, USAF

~~SECRET//NOFORN//X1~~

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).


(U) TRIBUNAL PANEL: #2

(U) ISN#: 753

Ref: (a) (U) Convening Order for Tribunal #2 of 2 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 3 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).
2. (U) On 3 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #753 is properly classified as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, both Al-Qaeda and the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #2
ISN #: 753

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, both Al-Qaeda and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of Al-Qaeda and worked as a translator for a high-ranking Al-Qaeda operative for over three years. He also served as a financial middleman between Al-Qaeda and Taliban members. The detainee chose to participate in the Tribunal process. He requested no witnesses, requested no unclassified or classified documents be produced, but made an oral, sworn statement with the assistance of his Personal Representative. The detainee, in his oral statement, denied being a member of either Al-Qaeda or the Taliban and claimed the evidence presented by the Recorder in Exhibit R-1 had no basis in fact.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-20
- b. Testimony of the following persons: Sworn statement of the detainee

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses or additional evidence be produced; therefore, no rulings on these matters were required.

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5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, an FBI certification regarding redacted information, provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that the points raised in Exhibit R-1 were without merit and that he did not commit the acts described therein. The other exhibits at Enclosure (2), however, substantially refuted the Detainee's assertions.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with both Al-Qaeda and the Taliban, and was a part of, or supporting, both organizations.


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8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

(The Detainee requested his written notes from (2) days prior to assist him with his statement. This request was granted and the Personal Representative (PR) handed the notes to the Detainee.)

(The Detainee addressed points made in the Unclassified Summary, point by point.)

3.a. Detainee is a member of Al Qaida

- 1. Detainee was a translator for [REDACTED] a known member of Al Qaida for a period of three years.*

This statement has no basis. I am an Afghan and in Afghanistan there are a lot of political organizations with which I have no affiliation. I would not join a group that is foreign to my country. They (Al Qaida) don't speak the language and are not of our tribe. I would not join a group like Al Qaida, which is a terrorist organization.

At the time, I didn't know that Mr. [REDACTED] was a member of Al Qaida. I worked for him as a peasant or employee, not a member of the group. My work was to support my family and children. It was only for employment. It was very simple employment and had no political affiliations.

My work with him was only in Afghanistan as an employee, no affiliations of going to another country.

I was an employee when the Taliban was the government of Afghanistan.

- 2. Detainee translated for [REDACTED] when he spoke with [REDACTED] the leader of Taliban soldiers in the North of Kabul.*

[REDACTED] was a very small commander of the Taliban. Translating between Mr. [REDACTED] and Mr. [REDACTED] was a common position of my job. I was only working as an employee.

- 3. Detainee is able to identify several members of Al Qaida and the Taliban from his stay in the ASHARA guesthouse.*

This has no basis because I didn't live at the ASHARA guesthouse night and day. When I was there, I was usually sitting with the doorman and the other Afghan

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workers. I could not talk to the Arabs because Mr. [REDACTED] would not allow anyone to talk to the Arabs.

A lot of people came in and out. How could I remember everybody that came and went? Everyone wears the same clothes. You cannot tell rank or position. I don't know how to get the information about who is who, and what group they are.

4. *Detainee's duties were to safe keep and distribute funds for various Al-Qaida and Taliban members.*

This has no basis. When I was working for Mr. [REDACTED] I didn't even handle \$10 Afghani. I was a worker. When Mr. [REDACTED] fled Afghanistan, he told me he left some Afghani for me (currency) as a trust. It was not for distributing or financing anything.

When the time passed, he asked me to give the money to another gentleman, whom I have nothing to do with. All I did was give the money to another person.

3.b. *Detainee engaged in hostilities against the United States and/or it's coalition partners.*

This statement has no proof because I never hated the United States, and these are the points to back it. These are the points I make:

I stayed in my country and at home all the time. I didn't go anywhere else. I didn't travel to any foreign country. If I were an enemy, I would have traveled to other foreign countries.

When I was captured, it was in a peaceful and cooperative manner, even though there were weapons in my house. If I were an enemy, I would have fought them off.

You can look at my files and my behavior in this prison over my two-year stay here in jail. I have a great relationship with the MP's, and they can tell you that. It proves I have nothing against...or they are not my enemies. I have a great relationship with the people working in the prison.

If you look at my file over the two years you will see my good behavior. An enemy is not like that. I have conversations with American people, and I have great conversations with them, so how can I be an enemy to them?

I've never been a part of a political organization. How can I have differences with the Americans?

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I am just a worker from Afghanistan, not a soldier. I have nothing political, or any other reason [to be] against Americans.

I don't have enough education to understand all of the political groups and differences, or what is to hate America or not to hate America. I don't have enough education to get on that level. And from the information I have, I know the United States Constitution, democracy allows freedom of religion, and for this reason, this type of government does not interfere with our religion of Islam. I have no religious differences with Americans, since they allow freedom of religion.

These eight points I have stated show I have no enmity towards the Americans, and never have. So, I am not an enemy. There is no proof that I could work for an organization that hates the United States.

Point A and B have no factual basis. This concludes my statement.

Summarized Answers to Questions by Personal Representative

Q: 3b2 says that you were involved in the grenade attack on Western journalists in the spring of 2002. Please share [what you know about this] with the Tribunal.

A: This is a complete lie. I've never taken part in any bomb attacks or any kind of operations. I knew the people who did the bomb attack and how this got around is because I told the Americans the names of those who did the attack.

There is no proof, and I have never taken part in the operation, I only provided information. I was a prisoner and had no cause to have enemies or create enemies. I gave you the eight points, which prove that I have a great relationship, not an enemy and just a worker. I hope these eight points get across.

Summarized Answers to Questions by Tribunal Members

Q: How many languages do you speak?

A: Farsi [and] Pashtu are our national languages and the only foreign language I know is Arabic.

Q: Do you understand English, or just some English?

A: I've learned some in prison.

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Q: Did you learn your languages where you grew up, or did you attend school to learn them?

A: Farsi and Pashtu are my home languages, so I picked them up from family. Arabic, I took courses for.

Q: When you translated for [REDACTED] what type of information did you translate?

A: Basic stuff, relating to simple matters in Kabul. They had to deal with the government, the Taliban, like paperwork for cars, that they had to work with the government for, on the lower level.

Q: Could he [REDACTED] do his job without translation?

A: Of course. He could have got someone from the Taliban who knew Arabic, or he could have hired another linguist and paid him salary.

Q: When you mentioned that he left money for safekeeping, which you then transferred, how much money was it?

A: The money was not directly given to me. It was left with somebody else and I was told to hold it for him.

Q: How much?

A: About \$40,000.00, a mix of Pakistani and other currency, worth about \$40,000.00.

Q: What do you think of Arabs being present in Afghanistan?

A: I don't understand, it's beyond my level.

Q: Personally, are you comfortable being near and around Arabs? If you, here in this camp, were living with Arabs, how would that make you feel?

A: Arabs don't even look at us or say hi to us. They say we Afghans betrayed them.

Q: But, what do you think of them?

A: I think they used Afghanistan for political and different interests. Afghanistan was used.

Q: What do you think of Westerners being present in Afghanistan?

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- A: When the Westerners came, I didn't get to see what happened because I went to prison, so I can't comment on that.
- Q: You mentioned that when you turned yourself in, you had weapons in your house. Is that correct?
- A: Every Afghan's home has a gun because they all have differences and the gun is there to protect them.
- Q: How many weapons did you have?
- A: I only had one.
- Q: Was it your personal gun or had it been provided to you?
- A: It was my personal gun.
- Q: You mentioned that you were a prisoner at one time. Where was that?
- A: I was referring to this prison, here.
- Q: When you said earlier in your statement that you did not know [REDACTED] was a member of Al Qaida, who did you believe he was?
- A: I figured he worked for the Taliban, the government at that time. I sought employment with him.
- Q: How long did you work for him?
- A: About three years.
- Q: How long did you work for [REDACTED]?
- A: I never worked for [REDACTED]. The only time was when I translated for Mr. [REDACTED] to Mr. [REDACTED].
- Q: What is the highest level of education you were able to attain?
- A: I have a high school education.
- Q: On what weapons are you proficient, personally?
- A: Only the gun I protected my house with.
- Q: Have you ever been given any military training?

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A: No.

Q: Just to clarify, concerning the incident with the Western journalists, you are saying that you had nothing to do with the attack on them and it was others who did it?

A: Yes.

Q: You knew who did it, and provided the names to the Americans?

A: Yes.

Q: In response, your name was turned in and you were blamed for it as well?

A: I provided names. You should ask whoever put my name in there why they did. The other point is, if I really had a hand in this bombing, how can a person who, when they do such an act...no one who did something would admit to it. I gave all the information. The person would normally be under a lot of pressure to just give all the information. I did that out of help to my country. The statement I gave was not under interrogation. It was voluntary.

Q: Do you have any feelings, one way or another, concerning the Northern Alliance?

A: That is above my level to comment on because I have no political affiliations, but as a simple Afghan, I can say it is because of these warlords and the (inaudible) that were fighting, was the reason the Taliban came into power. That is the only comment I can say. They are just part of the other political groups like the Communists or others that have come through Afghanistan and fought or taken power. They are a political organization.

Whoever wants to help Afghanistan right now, that is very good. I am saying this as a common Afghan citizen, not anything else. I want good for my country.

Q: How long have you been here in the camp?

A: About 2 years and 2 months. 4 months in Bagram and the rest here.

Q: Do you believe the Americans have treated you with dignity and respect?

A: They haven't done anything wrong, very common treatment.

Q: You are well spoken, thank you.

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Q: Referring to the grenade attack on the Western journalists, how did you know the people who were involved?

A: I knew them from the past. I knew one of them, and the other person was associated with the person I knew.

Q: Were you there when it occurred?

A: I was in the area.

Q: Did you know that it was going to occur?

A: I did find out and that's when I separated and went my way. I didn't join them.

Q: When you found out, you allowed the attack to occur anyway and then came to the Americans after the attack had occurred?

A: I was fearful for my life on both sides. I was fearful of the Americans and fearful that the Taliban might take (inaudible) on his family, so I kept quiet. I had no contact or connections with the Americans at that time. When I was captured and the Americans talked to me, then I knew how they were and I told them the whole story of the bombing.

Q: Do you consider the government in Afghanistan now to be leading Afghanistan in the correct direction?

A: I am happy that Afghanistan is heading toward freedom. I only saw a few months of it and people were happy and I am part of the citizens that are happy that this country is moving forward.

Q: Do you feel that the loya jirga process that brought the government about was the proper way to give them authority?

A: This is a very good thing because in our history, all governments have been established by the loya jirga. I have heard this from my forefathers and it is a good thing.

Q: Do you have any other evidence or do you wish to make any other statements in front of this Tribunal?

A: I just want to say one thing. I admit the Americans have treated me good in this jail. I have had two years of interrogations, and I would like my case to move forward and not let it stop in one place. I am very happy about this process and this committee, and that you guys will give your decision. That's what I want, a fair decision. That is all I have to say.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

A large black rectangular redaction box covering the signature of the Colonel.

Colonel, U.S. Marine Corps
Tribunal President

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2642

DETAINEE ELECTION FORM

26 Aug

Schedule

Final

Date: 8/27/04

Start Time: 0815

End Time: 0928

ISN#: 753

Personal Representative:
(Name/Rank)



/ Lt Col

Translator Required? Yes

Language? Pashto

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- ☒ Wants to Participate in Tribunal
- ☐ Affirmatively Declines to Participate in Tribunal
- ☐ Uncooperative or Unresponsive

Personal Representative Comments:

Very participative,

No witnesses requested.

No prior representation

Will give SWORN oral statement.

Personal Representative



~~FOUO~~

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Certification Re: Redaction of National Security Information dtd 6 Aug 04	UNCLASSIFIED
R3	FBI 302 [REDACTED] 29 Oct 02	FOUO//LES
R4	FBI 302 [REDACTED] 02 Nov 02	FOUO//LES
R5	FBI 302 [REDACTED] 04 Nov 02	FOUO//LES
R6	FBI 302 [REDACTED] 02 Jan 03	FOUO//LES
R7	FBI 302 [REDACTED] 06 Jan 03	FOUO//LES
R8	FBI 302 [REDACTED] 08 Jan 03	FOUO//LES
R9	FBI 302 [REDACTED] 10 Jan 03	FOUO//LES
R10	FBI 302 [REDACTED] 13 Jan 03	FOUO//LES
R11	FBI 302 [REDACTED] 20 Mar 03	FOUO//LES
R12	FBI 302 [REDACTED] 03 May 03	FOUO//LES
R13	FBI 302 [REDACTED] 30 Jul 03	FOUO//LES
R14	FBI 302 [REDACTED] 11 Aug 03	FOUO//LES
R15	JTF GTMO Central Asia Assessment Memo 12 Apr 04	SECRET/NOFORN
R16	CITF Commander Memo 29 Jun 04	SECRET/NOFORN
R17	JTF GTMO CG Memo 02 Jul 04	SECRET
R18	[REDACTED] ECRC	SECRET/NOFORN
R19	JTF GTMO Baseball Card	SECRET/NOFORN
R20	JTF CTMO Detainee Associate, Abdul Hadi	SECRET/NOFORN

~~FOUO~~

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Combatant Status Review Board

16 August 2004

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – Detainee ZAHIR, Abdul

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of Al-Qaida. He engaged in hostilities against the United States or its coalition partners.

a. Detainee is a member of Al Qaida.

1. Detainee was a translator for [REDACTED], a known member of Al Qaida for a period of three years.

2. Detainee translated for [REDACTED] when he spoke with [REDACTED] the leader of Taliban soldiers in the North of Kabul.

3. Detainee is able to identify several members of Al Qaida and the Taliban from his stay in the ASHARA guesthouse.

4. Detainee's duties were to safe keep and distribute funds for various Al-Qaida and Taliban members.

b. Detainee engaged in hostilities against the United States and/or its coalition partners.

1. Detainee collected and dispersed money for members of the Taliban and Al Qaida, utilizing the funds for operational costs such as food and supplies.

2. Detainee was involved in a grenade attack on Western journalists in the spring of 2003.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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EXHIBIT

Page 51
R29



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 753

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

¹Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

²See Executive Order 12958

EXHIBIT R-2

22

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 23 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #753.

☒ I have no comments.

☐ My comments are attached.

Lt Col [REDACTED] USAF

23 Sep 04
Date

[REDACTED]
Signature

ISN #753
Enclosure (5)

UNCLASSIFIED//~~FOUO~~

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-CV-1236 (RWR)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	
ABDUL ZAHIR,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-CV-1623 (CKK)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	

NOTICE OF MULTIPLE PETITIONS FILED BY
GUANTANAMO BAY DETAINEE

Pursuant to the request of the Chambers of Chief Judge Hogan, respondents hereby notify the Court that Guantanamo Bay Detainee ISN 753 has filed petitions for writ of habeas corpus in each of the above-captioned cases. Detainee ISN 753 has filed petitions as Abdulzaher in Abdulzaher v. Bush, No. 05-CV-1236 (RWR), and as Abdul Zahir in Zahir v. Bush, No. 05-CV-1623 (CKK).

Dated: August 24, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

/s/ Preeya M. Noronha

JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)

TERRY M. HENRY

JAMES J. SCHWARTZ

PREEYA M. NORONHA

ROBERT J. KATERBERG

NICHOLAS J. PATTERSON

ANDREW I. WARDEN

EDWARD H. WHITE

Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

P.O. Box 883

Washington, D.C. 20044

Tel: (202) 514-2000

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2005, I caused a copy of the foregoing Notice of Multiple Petitions Filed by Guantanamo Bay Detainee to be served via U.S. Mail, First Class postage prepaid, on the following:

Detainee ISN 753
Camp Delta; Guantanamo Bay
Washington, D.C. 20355

Robert A. Gensburg
Gensburg, Atwell & Broderick
P.O. Box 248
St. Johnsbury, VT 05819

/s/ Preeya M. Noronha
PREEYA M. NORONHA
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents

5

U.S. Department of Justice
United States Marshals Service

NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court

for the

District of Columbia

TO:

Jay Hood, Army Brigadier General
Joint Task Force - GTMO
~~Judge Advocate~~
APO, AE 09360

Civil Action, File Number 05-1236 WJR

Abdulazhar

v.

George W. Bush, et al

The enclosed summons and complaint are served pursuant to the Federal Rules of Civil Procedure.

You MUST COMPLETE the acknowledgment part of this form below, AND RETURN COPIES 1 AND 2 to the sender within days. An envelope has been enclosed for this purpose. Keep copy 3 for your records.

YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return copies 1 and 2 of this form to the sender within days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complaint within days of the date those documents were sent. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was mailed on this date.

Date of Signature 7/21/05

Signature (USMS Official)

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned manner at

05-1236 WJR 7-21-05

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jay Hood
Army Brigadier Gen'l
Joint Task Force
Judge Advocate
APO, AE 09360

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Aisha Knight

☒ Agent

☐ Addressee

B. Received by (Printed Name)

ALISTA KNIGHT

C. Date of Delivery

16 AUG

D. Is delivery address different from item 1? ☐ Yes

If YES, delivery address below: ☐ No

3. Service Type:

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0001 9681 5511

City and Street Name or P.O. Box No.

Zip Code

To Entity/Authority to Receive

Process

Signature

Page 57 Form USM-299

(Rev. 6/95)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
)	
ABDUL MAJID MOHAMMADI)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1246 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	

MEMORANDUM ORDER

Petitioner Abdulzaher and petitioner Abdul Majid Mohammadi each seek a writ of habeas corpus, challenging the legality of their detention by the United States at Guantanamo Bay Naval Base, Cuba. Petitioners, presumed to be unfamiliar with the English language, are unrepresented at this point and proceeding pro se. Respondents moved for a stay of proceedings [Dkt. # 4 in C.A. 05-1236 and Dkt. # 4 in C.A. 05-1246] pending resolution of the appeals in In re Guantanamo Detainee Cases, 355 F. Supp. 2d 443 (D.D.C. 2005), appeal on petition for interlocutory

-2-

appeal, No. 05-5064 (D.C. Cir. March 10, 2005), and Kalid v. Bush et al., 355 F. Supp. 2d 311 (D.D.C. 2005), appeals docketed, Nos. 05-5062, 05-5063 (D.C. Cir. March 2, 2005). Respondents also seek to be relieved of any obligation to file a factual return on the petition.

A primary purpose of a stay pending resolution of the issues on appeal is to preserve the status quo among the parties. Washington Area Metro. Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 844 (D.C. Cir. 1977) (a stay pending appeal is preventative or protective, and seeks to maintain the status quo pending a final determination of issues on appeal); see Warm Springs Dam Task Force v. Gribble, 417 U.S. 1301, 1310 (1974) (granting stay pending appeal to maintain the status quo between the parties). A court may, in appropriate situations, specify protective conditions in balancing the hardship necessarily imposed on the party whose suit or execution of judgment has been stayed pending appeal. Cooks v. Fowler, 459 F.2d 1269, 1272-73 & n.27 (D.C. Cir. 1971) (affirming condition of stay requiring tenant appealing judgment to deposit funds in court registry pending appeal); see also, City of Portland, Or. v. Federal Maritime Comm'n, 433 F.2d 502, 504 (D.C. Cir. 1970) (directing the proponent of a stay in a case challenging shippers' exclusion of one city's port from service to "be prepared to state reasons why this court should not impose a conditional stay requiring the

-3-

rotation of service among the ports involved pending final review and determination"); Scott v. Scott, 382 F.2d 461, 462 (D.C. Cir. 1967) (discussing a stay of execution of judgment conditioned upon support payments); Center for Int'l Environmental Law v. Office of the U.S. Trade Rep., 240 F. Supp. 2d 21, 23 (D.D.C. 2003) (conditioning stay pending appeal on party seeking an expedited appeal). Where, as here, the condition imposed on the proponent of the stay is "neither heavy nor unexpected," imposing a protective condition is well within a court's discretion. Cooks v. Fowler, 459 F.2d at 249 (quoting Bell v. Tsintolas Realty Co., 430 F.2d at 482 (D.C. Cir. 1970) (stating "[w]e have little doubt that . . . [a court] may fashion an equitable remedy to avoid placing one party at a severe disadvantage during the period of litigation"))).

Therefore, here

the court will "guard against depriving the processes of justice of their suppleness of adaptation to varying conditions." Landis v. North American Co., 299 U.S. 248, 256 (1936). Coextensive with a district court's inherent power to stay proceedings is the power to craft a stay that balances the hardships to the parties. Id. at 255 (noting concern regarding a stay causing "even a fair possibility . . . [of] damage to some one else."); see also Clinton v. Jones, 520 U.S. 681, 707 (1997) (noting that "burdens [to the parties] are appropriate matters for the District Court to evaluate in its management of the case.").

Al-Oshan v. Bush, Civil Action No. 05-520 (D.D.C. Mar. 31, 2005) (Urbina, J.) (Order, Dkt. # 12). Accordingly, it is hereby

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ORDERED that respondents' motion for a stay and relief from any obligation to file a factual return [Dkt. # 4 in C.A. 05-1236 and Dkt. # 4 in C.A. 05-1246] be, and hereby is, GRANTED in part and DENIED in part. The proceedings in this case are STAYED pending resolution of the appeals pending before the United States Court of Appeals for the District of Columbia Circuit in In re Guantanamo Detainee Cases and Khalid et al. v. Bush et al., except that petitioners may seek emergency relief from this court in appropriate circumstances, such as when petitioners have reason to believe that they are facing the possibility of continued detention at the request of the United States in a location that does not provide access to this court. It is further

ORDERED that respondents, their agents, servants, employees, confederates, and any persons acting in concert or participation with them, or having actual or implicit knowledge of this Order by personal service or otherwise, shall provide this court and petitioners or any counsel representing them thirty days' advance written notice of any transfer or removal of the detained petitioner from United States custody at Guantanamo Bay.

SIGNED this 22nd day of September, 2005.

/s/

RICHARD W. ROBERTS
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

	)	Civil Action Nos.		
)			
)			
<i>In re Guantanamo Detainee Cases</i>	)	05-CV-1008	05-CV-1013	05-CV-0884
	)	05-CV-0890	05-CV-1241	05-CV-1487
	)	05-CV-1000	05-CV-1235	05-CV-0997
	)	05-CV-1490	05-CV-0889	05-CV-1237
	)	05-CV-1001	05-CV-1012	05-CV-0880
	)	05-CV-0882	05-CV-0885	05-CV-1243
	)	05-CV-0995	05-CV-0878	05-CV-1311
	)	05-CV-1244	05-CV-0888	05-CV-1238
	)	05-CV-0892	05-CV-1242	05-CV-1492
	)	05-CV-1240	05-CV-0994	05-CV-1009
	)	05-CV-1233	05-CV-1239	05-CV-1310
	)	05-CV-1010	05-CV-1312	05-CV-1236
	)	05-CV-0887	05-CV-0881	05-CV-1246
	)	05-CV-1491	05-CV-0877	05-CV-0996
	)	05-CV-1011	05-CV-0886	05-CV-1002
	)	05-CV-1234	05-CV-0998	05-CV-0993
	)	05-CV-1489	05-CV-0891	05-CV-0879
	)	05-CV-0883	05-CV-1493	05-CV-0999

ORDER

In the interest of facilitating the appointment of counsel in the above-captioned cases, pursuant to the agreement of the Judges of this Court acting in Executive Session, September 13, 2005, it is hereby

ORDERED that the Federal Defender Offices listed on the attached schedule are appointed to represent the petitioners in the respective cases, and that the individual attorneys from the Federal Defender offices who will represent the petitioners in each case shall file a notice of appearance and, pursuant to LCvR 83.2(e), shall be allowed to appear in this Court as employees of the United States. Attorneys so appointed shall, pursuant to LCvR 5.4(b), obtain a CM/ECF password from the Clerk in order to file documents with the Court or to receive copies of opinions and orders of the Court.

SO ORDERED.

October 5, 2005

_____/s/
Thomas F. Hogan
Chief Judge

	Judge	Petitioner Name	Case No.	Date Filed	Nationality	Proposed Counsel
1	Bates	Habibullah Mangut	05-cv-01008	05/19/2005	Afghanistan	M.D. Pennsylvania
2	Bates	Abdul Salaam	05-cv-01013	05/19/2005	Afghanistan	M.D. Pennsylvania
3	Collyer	Muhbullah	05-cv-00884	05/03/2005	unknown	N.&S. D. Iowa
4	Collyer	Sharbat Khan	05-cv-00890	05/03/2005	unknown	N.&S. D. Iowa
5	Collyer	Abdul Hakim Abdul Karim Amin Bukhari	05-cv-01241	06/22/2005	Saudi Arabia?	E.D. Pennsylvania
6	Collyer	Jawed Jabber Sackhan	05-cv-1487	07/28/2005	Iraq	private counsel to file amended petition
7	Friedman	Abib Sarajuddin	05-cv-01000	05/18/2005	Afghanistan	D. Connecticut
8	Friedman	Abdul Baqi	05-cv-01235	06/22/2005	Afghanistan?	D. Connecticut
9	Friedman	Khudaiddad	05-cv-00997	05/18/2005	unknown	D. D.C.
10						private counsel already filed on behalf of this client (Mahmoud v. Bush)
	Friedman	Faraj Abd Al Hadi Omar Mahmoud	05-cv-1490	07/28/2005	Syria	
11	Huvelle	Yasin Muhammed Basardh	05-cv-00889	05/03/2005	unknown	C.D. California
12	Huvelle	Aminullah	05-cv-01237	06/22/2005	Afghanistan	C.D. California
13	Huvelle	Abdulla Mohammed Kahn	05-cv-01001	05/18/2005	Afghanistan	D. New Jersey
14	Huvelle	Syed Muhammad Ali Shah	05-cv-01012	05/18/2005	Afghanistan	private counsel has already filed amended petition
15	Huvelle	Haji Nasrat	05-cv-00880	05/03/2005	unknown	private law firm already filed a petition for this detainee in another case (Mousovi v. Bush)
16	Kessler	Fazil Rahman	05-cv-00882	05/03/2005	unknown	N.D. Illinois
17	Kessler	Alif Mohammad	05-cv-00885	05/03/2005	unknown	N.D. Illinois
18	Kessler	Ihsan Ullah Peerzai	05-cv-01243	06/22/2005	Afghanistan	Duplicate of 05-cv-01242
19	Kessler	Mohamedou Ould Slahi	05-cv-00995	05/18/2005	unknown	private counsel has already filed petition in Salahi v. Bush (05-cv-569)
20	Kollar-Kotelly	Rahmatullah	05-cv-00878	05/03/2005	unknown	N.D. Georgia
21	Kollar-Kotelly	Ehsan Ullah	05-cv-01311	06/30/2005	Afghanistan	D. Connecticut (possible duplicate of 05-cv-01242)
22	Kollar-Kotelly	Tariq Mahmoud Alsewam	05-cv-01244	06/22/2005	Bosnia	D. D.C.
23	Kollar-Kotelly	Nazul Gul aka Chaman	05-cv-00888	05/03/2005	unknown	Duplicate of 05-cv-00887
24	Kollar-Kotelly	Haji Ghailb	05-cv-01238	06/22/2005	Afghanistan	M.D. Pennsylvania
25	Kollar-Kotelly	Ali Hussian Mohammad Mueety Shaaban	05-cv-00892	05/03/2005	Syria	D. Oregon

26	Lamberth	Ahsanullah Pirzai	05-cv-01242	06/22/2005	Afghanistan	S.D. Ohio
27	Lamberth	Abdul Ahmad	05-cv-1492	07/28/2005	Afghanistan	S.D. Ohio
28	Lamberth	Ali Abdulmotaleb Aweid Hassan Altaiy	05-cv-01240	06/22/2005	Iraq	Duplicate of 05-cv-01239
29	Lamberth	Kasimbekov Komoliddin Tohrianovich	05-cv-00994	05/18/2005	Afghanistan	E.D. Pennsylvania
30	Lamberth	Adel Hassan Hamed	05-cv-01009	05/18/2005	unknown	D. Oregon
31	Lamberth	Amneur Mammur	05-cv-01233	06/22/2005	Algeria	private law firm already filed a petition for this detainee in another case (Mammur v. Bush)
32	Leon	Ali Adel Motaleb Aweid Al Khaliy	05-cv-01239	06/22/2005	Iraq	N.D. Georgia
33	Leon	Abdulrahim Abdul Razak Al Ginfo	05-cv-01310	06/30/2005	unknown	C.D. California
34	Leon	Mohabat Khan	05-cv-01010	05/18/2005	Afghanistan	S.D. California
35	Leon	Ghaleb Nasser Al Bihani	05-cv-01312	06/30/2005	Yemen	S.D. California
36	Roberts	Abdul Zeher	05-cv-01236	06/22/2005	Afghanistan	Duplicate of 05-cv-01011
37	Roberts	Chaman	05-cv-00887	05/03/2005	unknown	D. Oregon
38	Roberts	Mohameduo Ould Siah	05-cv-00881	05/03/2005	unknown	private counsel has already filed petition in Salahi v. Bush (05-cv-569)
39	Roberts	Abdul Majid Mohammadi	05-cv-01246	06/22/2005	Iran	D. Maryland
40	Robertson	Sawat Khan	05-cv-1491	07/28/2005	Afghanistan	D. Maryland
41	Robertson	Khalil-Gul	05-cv-00877	05/03/2005	unknown	D. D.C.
42	Robertson	Akhteyar Mohammad	05-cv-00996	05/18/2005	Afghanistan	E.D. Pennsylvania
43	Robertson	Abdul Zuhoor	05-cv-01011	05/18/2005	Afghanistan	private counsel to file amended petition
44	Sullivan	Abdul Wahab	05-cv-00886	05/03/2005	unknown	N.D. Illinois
45	Sullivan	Akhtar Mohammed	05-cv-01002	05/18/2005	Afghanistan	Duplicate of 05-cv-00996
46	Sullivan	Labeed Ahmed	05-cv-01234	06/22/2005	Algeria	D. New Jersey
47	Urbina	Arkan Mohammad Ghafil Al Karim	05-cv-00998	05/18/2005	Iraq	N.D. Georgia
48	Urbina	Mohammad Mustafa Sohail	05-cv-00993	05/18/2005	Afghanistan	D. Minnesota
49	Urbina	Faizullah	05-cv-1489	07/28/2005	Afghanistan	D. Minnesota
50	Walton	Nasrullah	05-cv-00891	05/03/2005	Afghanistan	D. Maryland
51	Walton	Taj Mohammad	05-cv-00879	05/03/2005	unknown	S.D. Florida
52	Walton	Karin Eostan	05-cv-00883	05/03/2005	unknown	S.D. Florida
53	Walton	Mohammed Ammon	05-cv-1493	07/28/2005	Afghanistan	D. New Jersey
54	Walton	Asim Ben Thabit Al-Khalaf	05-cv-00999	05/18/2005	Yemen	S.D. California

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	
ABDUL ZAHIR,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1623 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	

ORDER TO SHOW CAUSE

Respondents have concluded that the pro se petitioner proceeding in forma pauperis in Civil Action 05-1236 is one and the same individual as the detained petitioner in Civil Action 05-1623, who is represented by counsel. (See Dkt. 2 in Civil Action 05-1623.) Accordingly, counsel for petitioner in Civil Action 05-1623 is hereby

ORDERED to show cause in writing by October 27, 2005, why the two cases should not be consolidated for all purposes and to affirm that he will continue to represent the detained petitioner if the cases were to be consolidated.

-2-

SIGNED this 14th day of October, 2005.

/s/

RICHARD W. ROBERTS
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHAFIQ RASUL, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-299 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
<hr/> KHALED A.F. AL ODAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-828 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
<hr/> MAMDOUH HABIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 02-1130 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
<hr/> NIZAR SASSI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-547 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
MURAT KURNAZ, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1135 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
OMAR KHADR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1136 (JDB)
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOAZZAM BEGG, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1137 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOURAD BENCHELLALI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1142 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>		
JAMIL EL-BANNA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1144 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FALEN GHEREBI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1164 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
LAKHDAR BOUMEDIENE, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1166 (R JL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SUHAIL ABDU ANAM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1194 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
ISA ALI ABDULLA ALMUBATI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1227 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHMOAD ABDAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1254 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
CHARLES SWIFT, as Next Friend for	:	
SALIM AHMED HAMDAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1519 (JR)
	:	
DONALD H. RUMSFELD, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RICHARD BELMAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1897 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

IBRAHIM AHMED MAHMOUDAL
QOSI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

SAIFULLAH PARACHA,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

JARALLAH AL-MARRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHCENE ZEMIRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 04-1937 (PLF)

Civil Action No. 04-2022 (PLF)

Civil Action No. 04-2035 (GK)

Civil Action No. 04-2046 (CKK)

<hr/>	:	
OMAR DEGHAYES, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-2215 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KHALED BEN MUSTAPHA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-22 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HANI SALEH RASHID ABDULLAH,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-23 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MAHMOOD SALIM AL MOHAMMED,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-247 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>		
SHERIF EL-MASHAD, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-270 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMMED AL-ADAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-280 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MAJID ABDULLA AL JOUDI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-301 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
JOHN DOES 1-570,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-313 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
AHMED ABDULLAH-WAZAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-329 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULA THANI FARIS AL-ANAZI,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-345 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RAFIQ BIN BASHIR BIN JALLUL	:	
ALHAMI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-359 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
DJAMEL AMEZIANE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-392 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
AYMEN SAEED BATARFI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-409 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HISHAM SLITI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-429 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
M.C.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-430 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
USAMA HASAN ABU KABIR, <i>et al.</i> ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-431 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

RASHID ABDUL MOSLEH QAYED,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**ABDUL-SALAM GAITHAN MUREEF
AL-SHIHRY,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHAMED ABDUL-AZIZ,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABU BAKKER QASSIM, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-454 (RMU)

Civil Action No. 05-490 (PLF)

Civil Action No. 05-492 (JR)

Civil Action No. 05-497 (JR)

SALEH ABDULLAH AL-OSHAN, *et al.*, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-520 (RMU)

MUHAMMED KHAN TUMANI, *et al.*, :

Plaintiffs, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-526 (RMU)

**SULAIMAN SAAD MOHAAMED
AL-OSHAN,** :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-533 (RJL)

**MAJID RADHI AL TOUME
AL SHAMRI,** :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-551 (RWR)

MOHAMMEDOU OULD SALAHI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AMEUR MAMMAR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**ABDULRAZZAQ ABDULLA AL-
SHAREKH, *et al.*,**

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

MURTADHA ALI MAGRAM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-569 (JR)

Civil Action No. 05-573 (RJL)

Civil Action No. 05-583 (RJL)

Civil Action No. 05-584 (CKK)

ABDULLAH IBRAHIM ABDULLAH
AL RASHAIDAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

WAHIDOF ABDUL MOKIT,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

OMER SAEED SALEM AL DAINI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHMED ERRACHIDI, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-586 (RWR)

Civil Action No. 05-621 (HHK)

Civil Action No. 05-634 (RWR)

Civil Action No. 05-640 (EGS)

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ABDUL SALAM ZAEFF,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-660 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HAZI AHMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-665 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ELHAM BATTAYAV,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-714 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SALIM MUHOOD ADEM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-723 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MOHSEN ABD RUB ABO ASSY, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ADEL HAMLILY,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHMED ABU IMRAN, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**BENJAMIN MOHAMMED AL
HABASHI,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-748 (RMC)

Civil Action No. 05-763 (JDB)

Civil Action No. 05-764 (CKK)

Civil Action No. 05-765 (EGS)

**ABDUL HADI IBN EL HATHILY
AL HAMAMY,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-766 (RJL)

**SOFIAN EBRAHIM HAMAD
HAMOODAH,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-795 (RJL)

ALLADEEN, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-833 (JR)

KHIALI-GUL,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-877 (JR)

<hr/>	:	
RAHMATTULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-878 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
TAJ MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-879 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HAJI NASRAT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-880 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMEDUO OULD SLAHI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-881 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
FAZIL RAHMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-882 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KARIN BOSTAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-883 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MUHIBULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-884 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALIF MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-885 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ABDUL WAHAB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-886 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
CHAMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-887 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
NAZUL GUL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-888 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
YASIN MUHAMMED BASARDH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-889 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

SHARBAT KHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-890 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
NASRULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-891 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
ALI HUSSIAN MUHAMMAD MUETY	:	
SHAABAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-892 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
MOHAMMAD MUSTAFA SOHAIL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-993 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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KASIMBEKOV KOMOLIDDIN	:	
TOHIRJANOVICH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-994 (RCL)
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMEDOU OULD SLAHI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-995 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AKHTEYAR MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-996 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KHUDAIDAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-997 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ARKAN MOHAMMAD GHAFIL
AL KAAIM,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ASIM BEN THABIT AL-KHALAQI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABIB SARAJUDDIN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABDULLA MOHAMMED KAHN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-998 (RMU)

Civil Action No. 05-999 (RBW)

Civil Action No. 05-1000 (PLF)

Civil Action No. 05-1001 (ESH)

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AKHTAR MOHAMMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1002 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HABIBULLAH MANGUT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1008 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ADEL HASSAN HAMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1009 (RCL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHABAT KHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1010 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ABDUL ZUHOOR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1011 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SYED MUHAMMAD ALI SHAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1012 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL SALAAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1013 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULSALAM ALI ABDULRAHMAN	:	
AL-HELA,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1048 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ALI SHAH MOUSOVI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1124 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
OMAR MOHAMMED KHALIFH,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1189 (HHK)
	:	
<hr/>	:	
ABU ABDUL RAUF ZALITA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1220 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AMEUR MAMMAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1233 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
LABED AHMD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1234 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL BAQI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1235 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULZAHER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1236 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AMINULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1237 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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HAJJI GHALIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1238 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALI ADEL MOTALEB AWEID	:	
AL KHAIIY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1239 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALI ABDULMOTALIB AWEID	:	
HASSAN ALTAIIY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1240 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL HAKIM ABDUL KAARIN	:	
AMIN BUKHARI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1241 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
AHSANULLAH PIRZAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1242 (RCL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
IHSAN ULLAH PEERZAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1243 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
TARIQ MAHMOUD ALSAWAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1244 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL MAJID MOHAMMADI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1246 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ABDULRAHIM ABDUL RAZAK
AL GINCO,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

EHSAN ULLAH,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

GHALEB NASSAR AL BIHANI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**FARHI SAEED BIN MOHAMMED,
et al.,**

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1310 (RJL)

Civil Action No. 05-1311 (CKK)

Civil Action No. 05-1312 (RJL)

Civil Action No. 05-1347 (GK)

<hr/>	:	
CYRUS KAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1348 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOTAI SAIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1353 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SAEED MOHAMMED SALEH	:	
HATIM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1429 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
NASSER MAZYAD ABDULLAH	:	
AL-SUBAIY, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1453 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
JIHAD DHIAB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1457 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AHMED "DOE,"	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1458 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
JAWAD JABBER SADKHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1487 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FAIZULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1489 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**FARAJ ABDL AL HADMI OMAR
MAHOUD,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

SAWAT KHAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABDU AHMAD,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

MOHAMMED AMON,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1490 (PLF)

Civil Action No. 05-1491 (JR)

Civil Action No. 05-1492 (RCL)

Civil Action No. 05-1493 (RBW)

ADIL BIN MUHAMMAD AL WIRGHI, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1497 (GK)

NABIL (LAST NAME UNKNOWN), :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1504 (RMC)

ABBAR SUFIAN AL HAWARY, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1505 (RMC)

SHAFIQ (LAST NAME UNKNOWN), :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1506 (RMC)

<hr/>		
JAMAL KIYEMBA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1509 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
IBRAHIM OSMAN IBRAHIM IDRIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1555 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL HADI OMER HAMOUD FARAJ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1590 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HASSAN BIN ATTASH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1592 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
HAMID AL RAZAK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1601 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
EDHAM MAMET,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1602 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL RAHEEM GHULAM	:	
RABBANI, <i>et al.</i> ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1607 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL ZAHIR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1623 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MOHAMMAD AKHTIAR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1635 (PLF)

MOHAMMED RAJEB ABU
GHANEM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1638 (CKK)

AMEEN MOHAMMAD ALBKRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1639 (RBW)

ABDULAZIZ ABDULRAHMAN
AL-BADAH, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1641 (CKK)

HUSSAIN SALEM MOHAMMED,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

WALEED SAEED BNSAEED ZAID,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

HUSSEIN SALEM MOHAMMAD

ABDULLAH EL-MARQODI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ZEIAD SALEH AL BAHOOOTH,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1645 (PLF)

Civil Action No. 05-1646 (PLF)

Civil Action No. 05-1649 (RMU)

Civil Action No. 05-1666 (ESH)

<hr/>	:	
ABDALHADI M. AL-SOPAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1667 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RASHID AWAD AL AWEDA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1668 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FAHAD SALEH ALGATEL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1669 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALLA ALI BIN ALI AHMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1678 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

JAWAD JABBAR SADKHAN

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

KADEER KHANDAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

USAMA HASAN ABU KABIR, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

YOUSIF ABDULLAH AL-RUBAISH,;

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1679 (RJL)

Civil Action No. 05-1697 (PLF)

Civil Action No. 05-1704 (JR)

Civil Action No. 05-1714 (RWR)

**SALIM MOHAMMED ADAM BIN
AMIR,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**ABRAHIM OTHMAN ABRAHIM
EDRIES,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

MUHAMMED QASIM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABDANNOUR SAMEUR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1724 (RMU)

Civil Action No. 05-1725 (RWR)

Civil Action No. 05-1779 (JDB)

Civil Action No. 05-1806 (CKK)

<hr/>	:	
MAZIN SALIH AL-HARBI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1857 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABU ABDUL AZIZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1864 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AYOUB HAJI MAMET, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1886 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FAWAZ NAMAN HAMOUD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1894 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
MOHAMMED AL-QAHTANI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1971 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ISMAIL ALKHEMISI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1983 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RAVIL MINGAZA GAMIL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2010 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
BENDER AYED HAMOUD HEZAM	:	
AL-OTEIBI AL-SHABANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2029 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
ZAKIRJAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2053 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULKADR ABDULKHALIK DAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2083 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
ABU MUHAMMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2087 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
KHALED ADB ELGABAR	:	
MOHAMMED OTHMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2088 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	

ISSAM HAMID ALI BIN ALI	:	
ALJAYFI, <i>et al.</i>,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-2104 (CKK)\
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
	:	

ORDER

Whereas the Calendar and Case Management Committee of the United States District Court for the District of Columbia recognizes the need to promote the orderly and efficient case management of all habeas petitions that are presently pending or will be filed in this Court relating to the rights of detainees held at the United States Naval Base at Guantanamo Base, Cuba, as well as avoid unnecessary duplication of effort, and in the interests of resolving logistical problems as quickly and satisfactorily as possible, the following case management plan is implemented pursuant to the Committee's authority under LCvR 40.5(e):

1. Effective as of the date of this Order, all Motions pertaining to interpretation or construction of any protective order which has been entered in any of the above-cited cases, shall be referred to Magistrate Judge Alan Kay pursuant to LCvR 72.2(a).

2. Effective as of the date of this Order, all disputes pertaining to logistical issues, such as communications with or visits to clients and counsel, shall be referred to Magistrate Judge Kay to facilitate discussion and resolution by the parties as promptly as possible.

/s/

Gladys Kessler, Chair
Calendar and Case Management Committee

November 2, 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

Civil Action No. 05-1236 (RWR)

NOTICE OF APPEAL

NOTICE is hereby given that respondents George W. Bush, President of the United States, Donald Rumsfeld, Secretary, United States Department of Defense, Army Brigadier General Jay Hood, Commander, Joint Task Force-GTMO, and Army Colonel Michael Bumgarner, Commander, Joint Detention Operations Group, (i.e., all respondents herein) hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the portion of the Court's Memorandum Order dated September 22, 2005, (dkt. no. 12) that prohibits respondents from removing petitioner from Guantanamo unless the Court and any counsel for petitioner receive thirty days' advance notice of such removal.

Dated: November 18, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

RECEIVED

NOV 18 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Marc A. Perez

JOSEPH H. HUNT (D.C. Bar No. 431134)

VINCENT M. GARVEY (D.C. Bar No. 127191)

TERRY M. HENRY

JAMES J. SCHWARTZ

PREEYA M. NORONHA

EDWARD H. WHITE

ROBERT J. KATERBERG

ANDREW I. WARDEN

NICHOLAS J. PATTERSON

MARC A. PEREZ

Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

P.O. Box 883

Washington, DC 20044

Tel: (202) 514-2000

Attorneys for Respondents

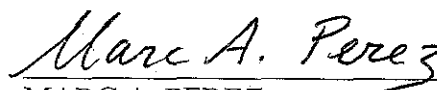
CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2005, I caused the foregoing Notice of Appeal to be served via United States mail, First Class postage prepaid, on the petitioner in this case at the following address:

Abdulzaher
Camp Delta; Guantanamo Bay
Washington, DC 20355

I also certify that on this 18th day of November, 2005, I caused the foregoing Notice of Appeal to be served via electronic mail on counsel for petitioner Abdul Zahir, Civil Action No. 05-1623, as follows:

Robert A. Gensburg
GENSBURG, ATWELL & BRODERICK
P.O. Box 248
St. Johnsbury, VT 05819
bob@bgba.com



MARC A. PEREZ
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

Civil Action No. 05-1236 (RWR)

AMENDED CERTIFICATE OF SERVICE

I hereby certify that the Notice of Appeal filed on November 18, 2005, was served via United States mail, First Class postage prepaid, on the petitioner and via electronic mail on counsel for petitioner on November 21, 2005, as follows:

Abdulzaher
Camp Delta; Guantanamo Bay
Washington, DC 20355

Robert A. Gensburg
GENSBURG, ATWELL & BRODERICK
P.O. Box 248
St. Johnsbury, VT 05819
bob@bgba.com

The original certificate of service erroneously indicated that petitioner and counsel were served on November 18, 2005.

Dated: November 21, 2005.

Respectfully submitted,


MARC A. PEREZ

United States Department of Justice
Civil Division, Federal Programs Branch
One of the Attorneys for Respondents

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ABDULZAHER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	
ABDUL ZAHIR,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 05-1623 (RWR)
)	
GEORGE W. BUSH, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

It is hereby

ORDERED that the case of *Abdulzaher v. Bush*, Civil Action No. 05-1236, is consolidated with *Abdul Zahir v. Bush*, Civil Action No. 05-1623. It is further

ORDERED that the Clerk's Office is directed to close *Abdulzaher v. Bush*, Civil Action No. 05-1236. It is further

ORDERED that all filings with this Court shall henceforth be filed only under the case of *Abdul Zahir v. Bush*, Civil Action No. 05-1623.

- 2 -

SIGNED this 21st day of November, 2005.

 /s/
RICHARD W. ROBERTS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Hicks (Rasul) v. Bush	)	Case No. 02-CV-0299 (CKK)
Al Odah v. United States	)	Case No. 02-CV-0828 (CKK)
Habib v. Bush	)	Case No. 02-CV-1130 (CKK)
Kurnaz v. Bush	)	Case No. 04-CV-1135 (ESH)
Khadr v. Bush	)	Case No. 04-CV-1136 (JDB)
Begg v. Bush	)	Case No. 04-CV-1137 (RMC)
El-Banna v. Bush	)	Case No. 04-CV-1144 (RWR)
Gherebi v. Bush	)	Case No. 04-CV-1164 (RBW)
Anam v. Bush	)	Case No. 04-CV-1194 (HHK)
Almurbati v. Bush	)	Case No. 04-CV-1227 (RBW)
Abdah v. Bush	)	Case No. 04-CV-1254 (HHK)
Hamdan v. Bush	)	Case No. 04-CV-1519 (JR)
Al-Qosi v. Bush	)	Case No. 04-CV-1937 (PLF)
Paracha v. Bush	)	Case No. 04-CV-2022 (PLF)
Al-Marri v. Bush	)	Case No. 04-CV-2035 (GK)
Zemiri v. Bush	)	Case No. 04-CV-2046 (CKK)
Deghayes v. Bush	)	Case No. 04-CV-2215 (RMC)
Mustapha v. Bush	)	Case No. 05-CV-0022 (JR)
Abdullah v. Bush	)	Case No. 05-CV-0023 (RWR)
Al-Mohammed v. Bush	)	Case No. 05-CV-0247 (HHK)

El-Mashad v. Bush	)	Case No. 05-CV-0270 (JR) (consolidated with 05-CV-833)
Al-Adahi v. Bush	)	Case No. 05-CV-0280 (GK)
Al-Joudi v. Bush	)	Case No. 05-CV-0301 (GK)
Doe 1-570 v. Bush	)	Case No. 05-CV-0313 (CKK)
Al-Wazan v. Bush	)	Case No. 05-CV-0329 (PLF)
Al-Anazi v. Bush	)	Case No. 05-CV-0345 (JDB)
Alhami v. Bush	)	Case No. 05-CV-0359 (GK)
Ameziane v. Bush	)	Case No. 05-CV-0392 (ESH)
Batarfi v. Bush	)	Case No. 05-CV-0409 (EGS)
Sliti v. Bush	)	Case No. 05-CV-0429 (RGL)
Kabir v. Bush	)	Case No. 05-CV-0431 (RGL)
Qayed v. Bush	)	Case No. 05-CV-0454 (RMU)
Al-Shihry v. Bush	)	Case No. 05-CV-0490 (PLF)
Aziz v. Bush	)	Case No. 05-CV-0492 (JR)
Al-Oshan v. Bush	)	Case No. 05-CV-0520 (RMU)
Tumani v. Bush	)	Case No. 05-CV-0526 (RMU)
Al-Oshan v. Bush	)	Case No. 05-CV-0533 (RJL)
Salahi v. Bush	)	Case No. 05-CV-0569 (JR) (Consolidated with 05-CV-0881) (Consolidated with 05-CV-0995)
Mammar v. Bush	)	Case No. 05-CV-0573 (RJL)
Al-Sharekh v. Bush	)	Case No. 05-CV-0583 (RJL)

Magram v. Bush	)	Case No. 05-CV-0584 (CKK)
Al Rashaideen v. Bush	)	Case No. 05-CV-0586 (RWR)
Mokit v. Bush	)	Case No. 05-CV-0621 (PLF)
Al Daini v. Bush	)	Case No. 05-CV-0634 (RWR)
Errachidi v. Bush	)	Case No. 05-CV-0640 (EGS)
Ahmed v. Bush	)	Case No. 05-CV-0665 (RWR)
Battayav v. Bush	)	Case No. 05-CV-0714 (RBW)
Adem v. Bush	)	Case No. 05-CV-0723 (RWR)
Aboassy v. Bush	)	Case No. 05-CV-0748 (RMC)
Hamlily v. Bush	)	Case No. 05-CV-0763 (JDB)
Imran v. Bush	)	Case No. 05-CV-0764 (CKK)
Al Habashi v. Bush	)	Case No. 05-CV-0765 (EGS)
Al Hamamy v. Bush	)	Case No. 05-CV-0766 (RJL)
Hamoodah v. Bush	)	Case No. 05-CV-0795 (RJL)
Khiali-Gul v. Bush	)	Case No. 05-CV-0877 (JR)
Rahmattullah v. Bush	)	Case No. 05-CV-0878 (CKK)
Mohammad v. Bush	)	Case No. 05-CV-0879 (RBW)
Nasrat v. Bush	)	Case No. 05-CV-0880 (ESH)
Rahman v. Bush	)	Case No. 05-CV-0882 (GK)
Bostan v. Bush	)	Case No. 05-CV-0883 (RBW)
Muhibullah v. Bush	)	Case No. 05-CV-0884 (RMC)
Mohammad v. Bush	)	Case No. 05-CV-0885 (GK)

Wahab v. Bush	)	Case No. 05-CV-0886 (EGS)
Chaman v. Bush	)	Case No. 05-CV-0887 (RWR)
Gul v. Bush	)	Case No. 05-CV-0888 (CKK)
Basardh v. Bush	)	Case No. 05-CV-0889 (ESH)
Khan v. Bush	)	Case No. 05-CV-0890 (RMC)
Nasrullah v. Bush	)	Case No. 05-CV-0891 (RBW)
Shaaban v. Bush	)	Case No. 05-CV-0892 (CKK)
Sohail v. Bush	)	Case No. 05-CV-0993 (RMU)
Tohirjanovich v. Bush	)	Case No. 05-CV-0994 (JDB)
Khudaidad v. Bush	)	Case No. 05-CV-0997 (PLF)
Al Karim v. Bush	)	Case No. 05-CV-0998 (RMU)
Al-Khalaqi v. Bush	)	Case No. 05-CV-0999 (RBW)
Sarajuddin v. Bush	)	Case No. 05-CV-1000 (PLF)
Kahn v. Bush	)	Case No. 05-CV-1001 (ESH)
Mohammed v. Bush	)	Case No. 05-CV-1002 (EGS)
Mangut v. Bush	)	Case No. 05-CV-1008 (JDB)
Hamad v. Bush	)	Case No. 05-CV-1009 (JDB)
Khan v. Bush	)	Case No. 05-CV-1010 (RJL)
Zuhoor v. Bush	)	Case No. 05-CV-1011 (JR)
Ali Shah v. Bush	)	Case No. 05-CV-1012 (ESH)
Salaam v. Bush	)	Case No. 05-CV-1013 (JDB)
Al-Hela v. Bush	)	Case No. 05-CV-1048 (RMU)

Mousovi v. Bush	)	Case No. 05-CV-1124 (RMC)
Khalifh v. Bush	)	Case No. 05-CV-1189 (JR)
Zalita v. Bush	)	Case No. 05-CV-1220 (RMU)
Ahmed v. Bush	)	Case No. 05-CV-1234 (EGS)
Baqi v. Bush	)	Case No. 05-CV-1235 (PLF)
Aminullah v. Bush	)	Case No. 05-CV-1237 (ESH)
Ghalib v. Bush	)	Case No. 05-CV-1238 (CKK)
Al Khaiv v. Bush	)	Case No. 05-CV-1239 (RJL)
Bukhari v. Bush	)	Case No. 05-CV-1241 (RMC)
Pirzai v. Bush	)	Case No. 05-CV-1242 (RCL)
Peerzai v. Bush	)	Case No. 05-CV-1243 (RCL)
Alsawam v. Bush	)	Case No. 05-CV-1244 (CKK)
Mohammadi v. Bush	)	Case No. 05-CV-1246 (RWR)
Al Ginc v. Bush	)	Case No. 05-CV-1310 (RJL)
Ullah v. Bush	)	Case No. 05-CV-1311 (RCL)
Al Bihani v. Bush	)	Case No. 05-CV-1312 (RJL)
Mohammed v. Bush	)	Case No. 05-CV-1347 (GK)
Saib v. Bush	)	Case No. 05-CV-1353 (RMC)
Hatim v. Bush	)	Case No. 05-CV-1429 (RMU)
Al-Subaiy v. Bush	)	Case No. 05-CV-1453 (RMU)
Dhiab v. Bush	)	Case No. 05-CV-1457 (GK)
Ahmed Doe v. Bush	)	Case No. 05-CV-1458 (ESH)

Sadkhan v. Bush	)	Case No. 05-CV-1487 (RMC)
Faizullah v. Bush	)	Case No. 05-CV-1489 (RMU)
Faraj v. Bush	)	Case No. 05-CV-1490 (PLF)
Khan v. Bush	)	Case No. 05-CV-1491 (JR)
Ahmad v. Bush	)	Case No. 05-CV-1492 (RCL)
Amon v. Bush	)	Case No. 05-CV-1493 (RBW)
Al Wirghi v. Bush	)	Case No. 05-CV-1497 (RCL)
Nabil v. Bush	)	Case No. 05-CV-1504 (RMC)
Al Hawary v. Bush	)	Case No. 05-CV-1505 (RMC)
Shafiiq v. Bush	)	Case No. 05-CV-1506 (RMC)
Kiyemba v. Bush	)	Case No. 05-CV-1509 (RMU)
Idris v. Bush	)	Case No. 05-CV-1555 (JR) (Consolidated with 05-CV-1725)
Attash v. Bush	)	Case No. 05-CV-1592 (RCL)
Al Razak v. Bush	)	Case No. 05-CV-1601 (GK)
Mamet v. Bush	)	Case No. 05-CV-1602 (ESH)
Rabbani v. Bush	)	Case No. 05-CV-1607 (RMU)
Zahir v. Bush	)	Case No. 05-CV-1623 (RWR) (Consolidated with 05-CV-01236)
Akhtiar v. Bush	)	Case No. 05-CV-1635 (PLF)
Ghanem v. Bush	)	Case No. 05-CV-1638 (CKK)
Albkri v. Bush	)	Case No. 05-CV-1639 (RBW)
Al-Badah v. Bush	)	Case No. 05-CV-1641 (CKK)

Almerfedi v. Bush	)	Case No. 05-CV-1645 (PLF)
Zaid v. Bush	)	Case No. 05-CV-1646 (JDB)
Al-Bahooth v. Bush	)	Case No. 05-CV-1666 (ESH)
Al-Siba'i v. Bush	)	Case No. 05-CV-1667 (RBW)
Al-Uwaidah v. Bush	)	Case No. 05-CV-1668 (GK)
Al-Jutaili v. Bush	)	Case No. 05-CV-1669 (TFH)
Ali Ahmed v. Bush	)	Case No. 05-CV-1678 (GK)
Khandan v. Bush	)	Case No. 05-CV-1697 (RBW)
Kabir (Sadar Doe) v. Bush	)	Case No. 05-CV-1704 (JR)
Al-Rubaish v. Bush	)	Case No. 05-CV-1714 (RWR)
Qasim v. Bush	)	Case No. 05-CV-1779 (JDB)
Sameur v. Bush	)	Case No. 05-CV-1806 (CKK)
Al-Harbi v. Bush	)	Case No. 05-CV-1857 (CKK)
Aziz v. Bush	)	Case No. 05-CV-1864 (HHK)
Mamet v. Bush	)	Case No. 05-CV-1886 (EGS)
Hamoud v. Bush	)	Case No. 05-CV-1894 (RWR)
Al-Qahtani v. Bush	)	Case No. 05-CV-1971 (RMC)
Alkhemisi v. Bush	)	Case No. 05-CV-1983 (RMU)
Gamil v. Bush	)	Case No. 05-CV-2010 (JR)
Al-Shabany v. Bush	)	Case No. 05-CV-2029 (JDB)
Zakirjan v. Bush	)	Case No. 05-CV-2053 (HHK)
Muhammed v. Bush	)	Case No. 05-CV-2087 (RMC)

Othman v. Bush	)	Case No. 05-CV-2088 (RWR)
Ali Al Jayfi v. Bush	)	Case No. 05-CV-2104 (RBW)
Jamolovich v. Bush	)	Case No. 05-CV-2112 (RBW)
Al-Mudafari v. Bush	)	Case No. 05-CV-2185 (JR)
Al-Mithali v. Bush	)	Case No. 05-CV-2186 (ESH)
Al-Asadi v. Bush	)	Case No. 05-CV-2197 (HHK)
Alhag v. Bush	)	Case No. 05-CV-2199 (HHK)
Nakheelan v. Bush	)	Case No. 05-CV-2201 (ESH)
Al Subaie v. Bush	)	Case No. 05-CV-2216 (RCL)
Ghazy v. Bush	)	Case No. 05-CV-2223 (RCL)
Al Khatemi v. Bush	)	Case No. 05-CV-2248 (ESH)
Al-Shimrani v. Bush	)	Case No. 05-CV-2249 (RMC)
Amin v. Bush	)	Case No. 05-CV-2336 (PLF)
Al Sharbi v. Bush	)	Case No. 05-CV-2348 (EGS)
Ben Bacha v. Bush	)	Case No. 05-CV-2349 (RMC)
Zadran v. Bush	)	Case No. 05-CV-2367 (RWR)
Alsaaci v. Bush	)	Case No. 05-CV-2369 (RWR)
Razakah v. Bush	)	Case No. 05-CV-2370 (EGS)
Al Darby v. Bush	)	Case No. 05-CV-2371 (RCL)
Haleem v. Bush	)	Case No. 05-CV-2376 (RBW)
Al-Ghizzawi v. Bush	)	Case No. 05-CV-2378 (JDB)
Awad v. Bush	)	Case No. 05-CV-2379 (JR)

Al-Baidany v. Bush	)	Case No. 05-CV-2380 (CKK)
Al Rammi v. Bush	)	Case No. 05-CV-2381 (JDB)
Said v. Bush	)	Case No. 05-CV-2384 (RWR)
Mohammon v. Bush	)	Case No. 05-CV-2386 (RBW)
Al-Quhtani v. Bush	)	Case No. 05-CV-2387 (RMC)
Thabid v. Bush	)	Case No. 05-CV-2398 (ESH)
Al Yafie v. Bush	)	Case No. 05-CV-2399 (RJL)
Rimi v. Bush	)	Case No. 05-CV-2427 (RJL)
Almjrd v. Bush	)	Case No. 05-CV-2444 (RMC)
Al Salami v. Bush	)	Case No. 05-CV-2452 (PLF)
Al Shareef v. Bush	)	Case No. 05-CV-2458 (RWR)
Khan v. Bush	)	Case No. 05-CV-2466 (RCL)
Hussein v. Bush	)	Case No. 05-CV-2467 (PLF)
Al-Delebany v. Bush	)	Case No. 05-CV-2477 (RMU)
Al-Harbi v. Bush	)	Case No. 05-CV-2479 (HHK)

NOTICE OF SUPPLEMENTAL AUTHORITY

Respondents hereby give notice of the recent enactment of legislation that, among other things, amends 28 U.S.C. § 2241 to remove court jurisdiction to hear or consider applications for writs of habeas corpus and other actions brought in this Court by or on behalf of aliens detained at Guantanamo Bay, Cuba. See Department of Defense Appropriations Act, 2006, Pub. L. No. ___, § 1005 (2005) (signed by President Bush on Dec. 30, 2005) (copy of relevant excerpts attached).¹ No sooner than the week of January 9, 2006, respondents anticipate filing in each of the above-captioned cases a motion to dismiss or for other appropriate relief based on the new legislation. Prior to or shortly after filing of such motion, respondents will consult with petitioners' counsel in an effort to agree upon a briefing schedule that can be proposed to the Court.

Dated: January 3, 2006

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

[signature block continued on following page]

¹ Section 1005 is part of Title X of the Department of Defense Appropriations Act, 2006. Title X is also known as the Detainee Treatment Act of 2005. See Department of Defense Appropriations Act, 2006, Pub. L. No. ___, § 1001 (2005).

/s/ Joseph H. Hunt

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Attorneys for Respondents

H. R. 2863

One Hundred Ninth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the fourth day of January, two thousand and five*

An Act

Making appropriations for the Department of Defense for the fiscal year ending
September 30, 2006, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the fiscal year ending
September 30, 2006, for military functions administered by the
Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest
on deposits, gratuities, permanent change of station travel
(including all expenses thereof for organizational movements), and
expenses of temporary duty travel between permanent duty sta-
tions, for members of the Army on active duty, (except members
of reserve components provided for elsewhere), cadets, and aviation
cadets; for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-377, as
amended (42 U.S.C. 402 note), and to the Department of Defense
Military Retirement Fund, \$28,191,287,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest
on deposits, gratuities, permanent change of station travel
(including all expenses thereof for organizational movements), and
expenses of temporary duty travel between permanent duty sta-
tions, for members of the Navy on active duty (except members
of the Reserve provided for elsewhere), midshipmen, and aviation
cadets; for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-377, as
amended (42 U.S.C. 402 note), and to the Department of Defense
Military Retirement Fund, \$22,788,101,000.

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(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9012. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE X—MATTERS RELATING TO DETAINEES

SEC. 1001. SHORT TITLE.

This title may be cited as the “Detainee Treatment Act of 2005”.

SEC. 1002. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1003. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDITION.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

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(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 1004. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AUTHORIZED INTERROGATIONS.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In any civil action or criminal prosecution against an officer, employee, member of the Armed Forces, or other agent of the United States Government who is a United States person, arising out of the officer, employee, member of the Armed Forces, or other agent’s engaging in specific operational practices, that involve detention and interrogation of aliens who the President or his designees have determined are believed to be engaged in or associated with international terrorist activity that poses a serious, continuing threat to the United States, its interests, or its allies, and that were officially authorized and determined to be lawful at the time that they were conducted, it shall be a defense that such officer, employee, member of the Armed Forces, or other agent did not know that the practices were unlawful and a person of ordinary sense and understanding would not know the practices were unlawful. Good faith reliance on advice of counsel should be an important factor, among others, to consider in assessing whether a person of ordinary sense and understanding would have known the practices to be unlawful. Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(b) COUNSEL.—The United States Government may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation of an officer, employee, member of the Armed Forces, or other agent described in subsection (a), with respect to any civil action or criminal prosecution arising out of practices described in that subsection, under the same conditions, and to the same extent, to which such services and payments are authorized under section 1037 of title 10, United States Code.

SEC. 1005. PROCEDURES FOR STATUS REVIEW OF DETAINEES OUTSIDE THE UNITED STATES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA, AND IN AFGHANISTAN AND IRAQ.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report setting forth—

(A) the procedures of the Combatant Status Review Tribunals and the Administrative Review Boards established by direction of the Secretary of Defense that are

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in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay or to provide an annual review to determine the need to continue to detain an alien who is a detainee; and

(B) the procedures in operation in Afghanistan and Iraq for a determination of the status of aliens detained in the custody or under the physical control of the Department of Defense in those countries.

(2) DESIGNATED CIVILIAN OFFICIAL.—The procedures submitted to Congress pursuant to paragraph (1)(A) shall ensure that the official of the Department of Defense who is designated by the President or Secretary of Defense to be the final review authority within the Department of Defense with respect to decisions of any such tribunal or board (referred to as the “Designated Civilian Official”) shall be a civilian officer of the Department of Defense holding an office to which appointments are required by law to be made by the President, by and with the advice and consent of the Senate.

(3) CONSIDERATION OF NEW EVIDENCE.—The procedures submitted under paragraph (1)(A) shall provide for periodic review of any new evidence that may become available relating to the enemy combatant status of a detainee.

(b) CONSIDERATION OF STATEMENTS DERIVED WITH COERCION.—

(1) ASSESSMENT.—The procedures submitted to Congress pursuant to subsection (a)(1)(A) shall ensure that a Combatant Status Review Tribunal or Administrative Review Board, or any similar or successor administrative tribunal or board, in making a determination of status or disposition of any detainee under such procedures, shall, to the extent practicable, assess—

(A) whether any statement derived from or relating to such detainee was obtained as a result of coercion; and

(B) the probative value (if any) of any such statement.

(2) APPLICABILITY.—Paragraph (1) applies with respect to any proceeding beginning on or after the date of the enactment of this Act.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees specified in subsection (a)(1) a report on any modification of the procedures submitted under subsection (a). Any such report shall be submitted not later than 60 days before the date on which such modification goes into effect.

(d) ANNUAL REPORT.—

(1) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress an annual report on the annual review process for aliens in the custody of the Department of Defense outside the United States. Each such report shall be submitted in unclassified form, with a classified annex, if necessary. The report shall be submitted not later than December 31 each year.

(2) ELEMENTS OF REPORT.—Each such report shall include the following with respect to the year covered by the report:

(A) The number of detainees whose status was reviewed.

(B) The procedures used at each location.

(e) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

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(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

“(e) Except as provided in section 1005 of the Detainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider—

“(1) an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba; or

“(2) any other action against the United States or its agents relating to any aspect of the detention by the Department of Defense of an alien at Guantanamo Bay, Cuba, who—

“(A) is currently in military custody; or

“(B) has been determined by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1005(e) of the Detainee Treatment Act of 2005 to have been properly detained as an enemy combatant.”.

(2) REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the standards and procedures specified by the Secretary of Defense for Combatant Status Review Tribunals (including the requirement that the conclusion of the Tribunal be supported by a preponderance of the evidence and allowing a rebuttable presumption in favor of the Government’s evidence); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the

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release of such alien from the custody of the Department of Defense.

(3) REVIEW OF FINAL DECISIONS OF MILITARY COMMISSIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision rendered pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order).

(B) GRANT OF REVIEW.—Review under this paragraph—

(i) with respect to a capital case or a case in which the alien was sentenced to a term of imprisonment of 10 years or more, shall be as of right; or

(ii) with respect to any other case, shall be at the discretion of the United States Court of Appeals for the District of Columbia Circuit.

(C) LIMITATION ON APPEALS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to an appeal brought by or on behalf of an alien—

(i) who was, at the time of the proceedings pursuant to the military order referred to in subparagraph (A), detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a final decision has been rendered pursuant to such military order.

(D) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on an appeal of a final decision with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the final decision was consistent with the standards and procedures specified in the military order referred to in subparagraph (A); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to reach the final decision is consistent with the Constitution and laws of the United States.

(4) RESPONDENT.—The Secretary of Defense shall be the named respondent in any appeal to the United States Court of Appeals for the District of Columbia Circuit under this subsection.

(f) CONSTRUCTION.—Nothing in this section shall be construed to confer any constitutional right on an alien detained as an enemy combatant outside the United States.

(g) UNITED STATES DEFINED.—For purposes of this section, the term “United States”, when used in a geographic sense, is as defined in section 101(a)(38) of the Immigration and Nationality Act and, in particular, does not include the United States Naval Station, Guantanamo Bay, Cuba.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect on the date of the enactment of this Act.

(2) REVIEW OF COMBATANT STATUS TRIBUNAL AND MILITARY COMMISSION DECISIONS.—Paragraphs (2) and (3) of subsection

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(e) shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act.

SEC. 1006. TRAINING OF IRAQI FORCES REGARDING TREATMENT OF DETAINEES.

(a) **REQUIRED POLICIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall ensure that policies are prescribed regarding procedures for military and civilian personnel of the Department of Defense and contractor personnel of the Department of Defense in Iraq that are intended to ensure that members of the Armed Forces, and all persons acting on behalf of the Armed Forces or within facilities of the Armed Forces, ensure that all personnel of Iraqi military forces who are trained by Department of Defense personnel and contractor personnel of the Department of Defense receive training regarding the international obligations and laws applicable to the humane detention of detainees, including protections afforded under the Geneva Conventions and the Convention Against Torture.

(2) **ACKNOWLEDGMENT OF TRAINING.**—The Secretary shall ensure that, for all personnel of the Iraqi Security Forces who are provided training referred to in paragraph (1), there is documented acknowledgment of such training having been provided.

(3) **DEADLINE FOR POLICIES TO BE PRESCRIBED.**—The policies required by paragraph (1) shall be prescribed not later than 180 days after the date of the enactment of this Act.

(b) **ARMY FIELD MANUAL.**—

(1) **TRANSLATION.**—The Secretary of Defense shall provide for the United States Army Field Manual on Intelligence Interrogation to be translated into arabic and any other language the Secretary determines appropriate for use by members of the Iraqi military forces.

(2) **DISTRIBUTION.**—The Secretary of Defense shall provide for such manual, as translated, to be provided to each unit of the Iraqi military forces trained by Department of Defense personnel or contractor personnel of the Department of Defense.

(c) **TRANSMITTAL OF REGULATIONS.**—Not less than 30 days after the date on which regulations, policies, and orders are first prescribed under subsection (a), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement this section.

(d) **ANNUAL REPORT.**—Not less than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

This division may be cited as the “Department of Defense Appropriations Act, 2006”.

CLOSED, HABEAS, TYPE-G
U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:05-cv-01623-RWR

ZAHIR v. BUSH et al
Assigned to: Judge Richard W. Roberts
Lead case: [1:05-cv-01623-RWR](#) ([View Member Cases](#))
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 08/12/2005
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Petitioner

ABDUL ZAHIR
Detainee

represented by **Robert A. Gensburg**
GENSBURG ATWELL &
BRODERICK
P.O. Box 248
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(802) 748-5338
Email: bob@bgba.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

GEORGE W. BUSH
President of the United States

represented by **Terry Marcus Henry**
U.S. DEPARTMENT OF
JUSTICE
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20 Massachusetts Avenue, NW
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Respondent

DONALD RUMSFELD

represented by **Terry Marcus Henry**

Secretary, United States
Department of Defense

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

JAY HOOD
BRIGADIER GENERAL -
Commander, Joint Task Force-
GTMO

represented by **Terry Marcus Henry**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

MICHAEL BUMGARNER
COLONEL-Commander, Joint
Detention Operations Group, JTF-
GTMO

represented by **Terry Marcus Henry**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/12/2005	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5.) filed by ABDUL ZAHIR.(jf,) (Entered: 08/17/2005)
08/24/2005	<u>2</u>	NOTICE of Multiple Petitions Filed by Guantanamo Bay Detainee by GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL BUMGARNER (Noronha, Preeya) (Entered: 08/24/2005)
09/20/2005		Case Reassigned to Judge Richard W. Roberts. Judge Colleen Kollar-Kotelly no longer assigned to the case. (jeb,) (Entered: 09/23/2005)
10/17/2005	<u>3</u>	ORDER TO SHOW CAUSE why cases should not be consolidated. Show Cause Response due by 10/27/2005. Signed by Judge Richard W. Roberts on 10/14/2005. (ES) (Entered: 10/17/2005)
10/20/2005	<u>4</u>	NOTICE of Appearance by Terry Marcus Henry on behalf of GEORGE W. BUSH, DONALD RUMSFELD, JAY HOOD, MICHAEL BUMGARNER (Henry, Terry) (Entered: 10/20/2005)
11/02/2005	<u>5</u>	ORDER referring all motions pertaining to interpretation or construction of any protective order which has been entered in any of these cases to Magistrate Judge Alan Kay; referring to Magistrate Judge Kay all disputes pertaining to logistical issues,

		such as communications with or visits to clients and counsel. Signed by Judge Gladys Kessler, Chair of Calendar and Case Management Committee, on 11/2/05. (Entered: 11/02/2005)
11/22/2005	6	CONSOLIDATION ORDER. Signed by Judge Richard W. Roberts on 11/21/05. (lcrwr1) (Entered: 11/22/2005)
12/14/2005	7	PROTECTIVE ORDER setting forth procedures for counsel access to clients and for handling confidential material and allowing designated material to be filed under seal. Signed by Judge Richard W. Roberts on 12/14/2005. Associated Cases: 1:05-cv-01623-RWR,1:05-cv-01236-RWR(EHS) (Entered: 12/14/2005)
12/23/2005		MINUTE ORDER: It is hereby ORDERED that because this case is stayed pending resolution of the appeals in In re Guantanamo Detainee Cases, 355 F. Supp. 2d 443 (D.D.C. 2005), appeal docketed, No. 05-8003 (D.C. Cir. March 10, 2005), and Khalid v. Bush et al., 355 F. Supp. 2d 311 (D.D.C. 2005), appeal docketed sub nom. Boumediene v. Bush et al., No. 05-5062 (D.C. Cir. March 10, 2005), this case be, and hereby is, ADMINISTRATIVELY CLOSED until the stay is lifted. While the case is administratively closed parties may still submit filings as permitted or required under the Court's orders. Issued by Judge Richard W. Roberts on 12/23/2005. Associated Cases: 1:05-cv-01623-RWR,1:05-cv-01236-RWR(EHS) (Entered: 12/23/2005)
01/04/2006	8	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH, and DONALD RUMSFELD, et al. (Attachments: # 1 Exhibit)(jeb,) (Entered: 01/04/2006)

PACER Service Center			
Transaction Receipt			
04/10/2006 19:36:50			
PACER Login:	dd1468	Client Code:	
Description:	Docket Report	Search Criteria:	1:05-cv-01623-RWR
Billable Pages:	2	Cost:	0.16

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL ZAHIR,
Detainee,
Guantanamo Bay Naval Station
Guantanamo Bay, Cuba;

Petitioner/Plaintiff,

v.

GEORGE W. BUSH,
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500;

DONALD RUMSFELD,
Secretary, United States
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000;

BRIGADIER GENERAL JAY HOOD,
Commander, Joint Task Force
- GTMO
JTF-GTMO
APO AE 09360; and

COLONEL MICHAEL BAUMGARNER,
Commander, Joint Detention
Operations Group, JTF - GTMO
JTF-GTMO
APO AE 09360,

Respondents/Defendants.

PETITION FOR WRIT
OF HABEAS CORPUS

No. _____

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Abdul Zahir petitions this court for a writ of habeas corpus. A citizen of Afghanistan, he petitions on his own behalf. He is a civilian wrongly classified as an "enemy combatant" by the President of the United States, and is being held virtually *incommunicado* in military custody at the United States Naval Station in Guantanamo Bay, Cuba ("Guantanamo"). His detention is without lawful basis, without charge, and without access to counsel or any fair process or some kind of hearing by which he can challenge his detention. Petitioner Zahir is being held under color and authority of the President and in violation of the Constitution, laws and treaties of the United States, as well as in violation of customary international law. Accordingly, this Court should issue a Writ of Habeas Corpus compelling Respondents either to release Petitioner Zahir or to establish in this Court a lawful basis for Petitioner Zahir's detention. Petitioner Zahir also asks this Court to order injunctive and declaratory relief as prayed for below.

I JURISDICTION

1. Petitioner Zahir brings this action under 28 U.S.C. §§ 2241(a), (c)(1) and (c)(3), and 2242. Petitioner Zahir further invokes this Court's jurisdiction under 28 U.S.C. §§ 1331, 1350, 1651, 2201, and 2202; 5 U.S.C. § 702; Articles I and II of and the Fifth, Sixth, and Eighth Amendments to the United States Constitution. Because he seeks declaratory relief, Petitioner Zahir also relies on Fed. R. Civ. P. 57.
2. This Court is further empowered to declare the rights and other legal relations of the parties herein by 28 U.S.C. § 2201, and to effectuate and enforce declaratory relief by all necessary and proper means by 28 U.S.C. § 2202 as this case involves an actual

controversy within the Court's jurisdiction, and to issue all writs necessary or appropriate in aid of its jurisdiction by 28 U.S.C. § 1651.

II PARTIES

3. Petitioner Zahir is a citizen of Afghanistan, and upon information and belief a Muslim, who is now, and has been for over three years, incarcerated and held unlawfully in Respondents' custody and control at Guantanamo.
4. Respondent George W. Bush is the President of the United States and Commander-in-Chief of the United States Armed Forces. Petitioner Zahir is being detained pursuant to President Bush's claimed authority as Commander-in-Chief, under the laws and usages of war or, alternatively, pursuant to the Executive Order of November 13, 2001, Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, 66 Fed. Reg. 57,833 (November 13, 2001) (the "Executive Order"). President Bush is responsible for Petitioner Zahir's unlawful detention and is sued in his official capacity.
5. Respondent Donald Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to the President's authority as Commander-in-Chief, his authority under the laws and usages of war or, alternatively, pursuant to the Executive Order, Respondent Rumsfeld has maintained Petitioner Zahir's unlawful custody and control. Secretary Rumsfeld is sued in his official capacity.
6. Respondent Brigadier General Jay Hood is the Commander of Joint Task Force-GTMO, the military task force that operates detention facilities at Guantanamo Bay. He has supervisory responsibility for Petitioner Zahir and is sued in his official capacity.

7. Respondent Colonel Michael Baumgarner is the Commander of the Joint Detention Operations Group and the JTF-GTMO detention camps, including the U.S. facility where Petitioner Zahir is presently held. He is the custodian immediately responsible for Petitioner Zahir's unlawful detention. He is sued in his official capacity.
8. Respondents are responsible for all activities undertaken by or under the supervision of any agents or employees acting on their behalf. Respondents are also responsible for all actions undertaken by or under the supervision of private contractors and any agents or employees of private contractors with whom any agency under Respondents' authority or supervision has contracted for the provision of services at Guantanamo. All references to Respondents' actions in this Petition include activities performed by Respondents' agents or employees, other government agents or employees, or such private contractors or their agents or employees.

IV STATEMENT OF FACTS

9. Upon information and belief Petitioner Zahir is not, nor has he ever been, an enemy alien, a lawful or unlawful belligerent, or a combatant of any kind under any definition adopted by the United States Government in any civil or military proceeding.
10. Petitioner Zahir seeks to enforce his right to a judicial determination of the lawfulness of his detention.
11. Upon information and belief Petitioner Zahir is not, nor has he ever been an "enemy combatant" who was "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the

United States there." *Hamdi v. Rumsfeld*, 124 S.Ct. 2633, 26 (June 28, 2004) (internal quotation marks omitted).

12. Petitioner Zahir seeks to enforce his right to a judicial determination by an appropriate and lawful authority of whether there is a lawful and factual basis for Respondents' determination that he is either an "enemy combatant" as defined by the United States Supreme Court in *Hamdi* or an "enemy combatant" as that term is defined and used by the Executive in the Combatant Status Review Tribunals.
13. Upon information and belief, Petitioner Zahir is not now and at the time of his seizure and detention was not a member of the Taliban Government's armed forces or Al Qaeda. Prior to his detention, he did not commit any violent act against any American person or property. He had no involvement, direct or indirect, in the terrorist attacks on the United States on September 11, 2001, the ensuing armed conflict in Afghanistan or elsewhere, or any act of international terrorism attributed by the United States to Al Qaeda.
14. Petitioner Zahir remains incarcerated at Guantanamo, a territory over which the United States exercises exclusive jurisdiction and control.
15. Petitioner Zahir has not been afforded any procedure to object to his detention that would satisfy his rights under the most fundamental common law notions of due process, the U.S. Constitution, the laws and treaties of the United States, or customary international law.

The Joint Resolution

16. Following the September 11, 2001 attacks on the United States, the United States, at the direction of President Bush, began a massive military campaign against the Taliban government then in power in Afghanistan. On September 18, 2001, a Joint Resolution of Congress authorized President Bush to use force against the "nations, organizations, or persons" that "planned, authorized, committed, or aided the terrorist attacks on September 11, 2001, or [that] harbored such organizations or persons." Joint Resolution 23, Authorization for Use of Military Force, Public Law 107-40, 115 Stat. 224 (Jan. 18, 2001) (the "Joint Resolution").
17. As Petitioner Zahir did not participate in the armed conflict at any point in time, he is not properly detained pursuant to President Bush's authority as Commander-in-Chief, under the laws and usages of war, or the Joint Resolution.

The Executive Order

18. On November 13, 2001, Respondent Bush issued the Executive Order which authorizes Respondent Rumsfeld to detain indefinitely anyone Respondent Bush has reason to believe:
 - a. is or was a member of the organization known as al Qaeda;
 - b. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
 - c. has knowingly harbored one or more individuals described in subparagraphs a. and b.

See the Executive Order. President Bush must make this determination in writing. The Executive Order was neither authorized nor directed by Congress, and is beyond the scope of the Joint Resolution of September 18, 2001.

19. The Executive Order purports to vest President Bush with the sole discretion to identify individuals who fall within its purview. It establishes no standards governing the exercise of his discretion. Once a person has been detained, the Executive Order contains no provision for that person to be notified of the charges he may face. The Executive Order authorizes the indefinite confinement of detainees without charges. It contains no provision for a detainee to be notified of his rights under domestic and international law, and does not provide for right to counsel, rights to notice of consular protection, or rights to consular access at the detainee's request. It provides no right to appear before a neutral tribunal to review the basis for or the legality of a detainee's continued detention and contains no provision for recourse to an Article III court. The Executive Order expressly bars review by any court. The Executive Order authorizes indefinite and unreviewable detention, based on nothing more than President Bush's written determination that an individual is subject to its terms.
20. The Executive Order was promulgated in the United States and in this judicial district, the decision to incarcerate Petitioner Zahir was made by Respondents in the United States and in this judicial district, the decision to detain Petitioner Zahir at Guantanamo was made in the United States and in this judicial district, and the decision to continue detaining Petitioner Zahir was, and is, being made by Respondents in the United States and in this judicial district.

21. Upon information and belief, President Bush has never certified or determined in any manner, in writing or otherwise, that Petitioner Zahir is subject to the Executive Order.
22. Petitioner Zahir is not subject to the Executive Order.
23. Petitioner Zahir has not been, and is not being, detained lawfully either pursuant to the Executive Order, the Joint Resolution, President Bush's authority as Commander-in-Chief and/or the laws and usages of war in that Petitioner Zahir has been denied the process due to him under the common law, the Due Process Clause of the Fifth Amendment to the Constitution of the United States, domestic civil and military law, and international law.

Guantanamo Bay Naval Station

24. On or about January 11, 2002, the United States military began transporting prisoners captured in Afghanistan to Camp X-Ray at the United States Naval Base in Guantanamo Bay, Cuba. In April 2002, prisoners were transferred to Camp Delta, a more permanent prison facility at Guantanamo. Currently, some prisoners are housed in Camp Delta and Camp Five, an additional maximum-security interrogation and detention center.
25. Prisoners incarcerated at Guantanamo have the right to test the legality of their detention in the federal courts. *Rasul v. Bush*, 542 U.S. 466 (2004).
26. Upon information and belief, more than three years ago Respondents Bush and Rumsfeld caused Petitioner Zahir to be transported to Guantanamo, where he has been held ever since in the custody and control of Respondents ever since.

The Conditions of Detention at Guantanamo

27. Since gaining custody and control of Petitioner Zahir, the United States military has confined him there virtually *incommunicado*.
28. On information and belief, Petitioner Zahir has been and will continue to be interrogated repeatedly by agents of the United States Departments of Defense and Justice and the Central Intelligence Agency, though he has not been charged with an offense and has not been notified of any pending or contemplated charges. He has not appeared before a lawful military or civilian tribunal, and has not been provided access to counsel or the means to consult with counsel. He has not been informed of his rights under the United States Constitution, the regulations of the United States Armed Forces, the Geneva Conventions, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, the 1954 Convention Relating to the Status of Refugees, or customary international law. Respondents claim that Petitioner Zahir should not be informed of these rights. As a result, Petitioner Zahir lacks any ability to protect or to vindicate his rights under domestic or international law.
29. Upon information and belief, Petitioner Zahir has been forced to provide involuntary statements to Respondents' agents at Guantanamo.
30. Upon information and belief, Petitioner Zahir has been held under conditions that violate his constitutional and international rights to dignity, freedom from torture and freedom from cruel, inhuman and degrading treatment or punishment. *See, e.g.*, United Nations Press Release, "United Nations Human Rights Experts Express Continued Concern About Situation of Guantanamo Bay Detainees," Feb. 4, 2005; International Committee of the Red Cross (the "ICRC"), Press Release, "The ICRC's Work at

Guantanamo Bay," Nov. 30, 2004; International Committee of the Red Cross, Operational Update, "US Detention Related to the Events of September 11, 2001 and Its Aftermath - the Role of the ICRC," July 26, 2004; Amnesty International, *United States of America: Human Dignity Denied: Torture and Accountability in the 'War on Terror'*, at 22 (Oct. 27, 2004) (available at <http://web.amnesty.org/library/Index/ENGAMR511452004>); *see also* Barry C. Scheck, *Abuse of Detainees at Guantanamo Bay*, The Nat'l Assoc. of Criminal Defense Lawyers Champion, Nov. 2004, at 4-5. Indeed, many of these violations – including isolation for up to 30 days, 28-hour interrogations, extreme and prolonged stress positions, sleep deprivation, sensory assaults, removal of clothing, hooding, degrading treatment and the use of dogs to create anxiety and terror - are interrogation techniques that have been approved for use at Guantanamo by the most senior Department of Defense lawyer. *See* Action Memo from William J. Haynes II, General Counsel, DOD, to Secretary of Defense (Nov. 27, 2002); *Pentagon Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations*, at 62-65 (Apr. 4, 2003). Additional details of the cruel, degrading and offensive conditions suffered by detainees at Guantanamo are set out at length in a statement by British detainees that have been released from Guantanamo. *See* Shafiq Rasul, Asif Iqbal & Rhuhel Ahmed, *Composite Statement: Detention in Afghanistan and Guantanamo Bay*, 300, at http://www.ccr-ny.org/v2/reports/docs/Gitmo-compositestatementFINAL23_july04.pdf).

31. In a confidential report to the United States government, the ICRC charged that the U.S. military was intentionally using psychological and physical coercion during their interrogation of prisoners at Guantanamo that is "tantamount to torture." *See* Neil A.

Lewis, "Red Cross Finds Detainee Abuse in Guantanamo," *New York Times*, Nov. 30, 2004, at A1. The report includes claims that doctors and other medical workers at Guantanamo participated in planning interrogations. *Id.*; see also M. Gregg Bloche and Jonathan H. Marks, "When Doctors Go to War," *New England Journal of Medicine*, Jan. 6, 2005, at 3-4. Since details of the ICRC's report emerged, new revelations of abuse and torture at Guantanamo have appeared, including FBI memos detailing torture and "highly aggressive interrogation techniques" including 24-plus hour interrogations involving temperature extremes, dogs, prolonged isolation, and loud music. See *Guantanamo: An Icon of Lawlessness*, Amnesty International, Jan. 6, 2005, at 3-5; see also Neil A. Lewis, "Fresh Details Emerge on Harsh Methods at Guantanamo," *New York Times*, Jan. 1, 2005, at A11; Carol D. Leonnig, "Further Detainee Abuse Alleged; Guantanamo Prison Cited in FBI Memos," *Washington Post*, Dec. 26, 2004, at A1; Neil A. Lewis and David Johnston, "New F.B.I. Memos Describe Abuses of Iraq Inmates," *New York Times*, Dec. 21, 2004, at A1; Dan Eggen and R. Jeffrey Smith, "FBI Agents Allege Abuse of Detainees at Guantanamo Bay," *Washington Post*, Dec. 21, 2004, at A1; Neil A. Lewis, "F.B.I. Memos Criticized Practices at Guantanamo," *New York Times*, Dec. 7, 2004, at A19; Jane Mayer, "The Experiment," *The New Yorker*, July 11 and July 18, 2005. The Associated Press has reported allegations that female Guantanamo interrogators have used sexual taunting, including smearing fake menstrual blood on a detainee's face, to break the will of Muslim detainees. Associated Press, *Gitmo Soldier Details Sexual Tactics*, Jan. 27, 2005. The JTF-Guantanamo Commander's Inquiry Team reported in its June 3, 2005 news release that guards at Guantanamo had on at least nine instances defiled the Koran. On June 5, 2005 the

Edinburgh Sunday Herald reported that Respondent Hood "said in a written statement released with the new details that his investigation 'revealed a consistent, documented policy of disrespectful handling of the Koran dating back almost two and a half years.'"

32. The unlawful and unconstitutional interrogation techniques used by Respondents at Guantanamo include not only physical and psychological abuse but also other impermissible conduct contrary to the requirements of due process including, upon information and belief, having agents of the Government falsely present themselves as lawyers for the detainees during meetings with detainees for the purpose of extracting information from the detainees. *See* Sam Hannel, "Lawyers Describe Guantanamo Detainees," *Seattle Post-Intelligencer*, Jan. 19, 2005.
33. Respondents, acting individually or through their agents, have stated that whatever limitations apply on coercive interrogation techniques used by U.S. military officials under the auspices of the Department of Defense do not apply to interrogations conducted by agents of the CIA or other entities under President Bush. Eric Lichtblau, "Gonzales Says '02 Policy on Detainees Doesn't Bind CIA," *New York Times*, Jan. 19, 2005, at A17; Dan Eggen and Charles Babington, "Torture by U.S. Personnel Illegal, Gonzales Tells Senate," *Washington Post*, Jan. 18, 2005, at A4.
34. In published statements, President Bush and Secretary Rumsfeld, and General Lenhert and Colonel Carrico, predecessors of Hood and Baumgarner, respectively, have stated that the United States may hold the detainees under their current conditions indefinitely. *See, e.g.,* Roland Watson, *The Times* (London), Jan. 18, 2002 ("Donald Rumsfeld, the U.S. Defense Secretary, suggested last night that Al-Qaeda prisoners could be held indefinitely at the base. He said that the detention of some would be open-ended as the

United States tried to build a case against them."); Lynne Sladky, Assoc. Press, Jan. 22, 2002 ("Marine Brig. Gen. Mike Lehnert, who is in charge of the detention mission, defended the temporary cells where detainees are being held 'We have to look at Camp X-ray as a work in progress . . . ' Lehnert told CNN. Lehnert said plans are to build a more permanent prison 'exactly in accordance with federal prison standards"); John Mintz, "Extended Detention in Cuba Mulled," *The Washington Post*, February 13, 2002. ("As the Bush Administration nears completion of new rules for conducting military trials of foreign detainees, U.S. officials say they envision the naval base at Guantanamo Bay, Cuba, as a site for the tribunals and as a terrorist penal colony for many years to come.").

35. According to two United States military prosecutors, the trial system that has been created to determine whether Guantanamo detainees are enemy combatants has been structured to improve the government's chances for conviction, and to deprive the detainees of access to exculpatory evidence. *See* Neil A. Lewis, "2 Prosecutors Faulted Trials for Detainees," *The New York Times*, August 1, 2005.
36. According to the Department of Defense, detainees who are adjudged innocent of all charges by a military commission may nevertheless be kept in detention at Guantanamo indefinitely. *See* Department of Defense Press Background Briefing of July 3, 2003, at <http://www.defenselink.mil/transcripts/2003/tr20030703-0323.html> (last visited July 22, 2005).
37. Counsel for Respondents have also consistently maintained that the United States may hold the Guantanamo detainees under their current conditions indefinitely. *In re Guantanamo Detainee Cases*, Nos. 02-CV-0299 (CKK), *et al.*, (D.D.C.), Tr. of Dec. 1,

2004 Oral Argument on Motion to Dismiss at 22-24, statements of Principle Deputy Associate Att'y Gen. Brian Boyle; *see also* Dana Priest, "Long-Term Plan Sought for Terror Suspects," *Washington Post*, Jan. 2, 2005, at A1. Moreover, the Government has acknowledged plans to begin constructing a new, more permanent facility at Guantanamo. Christopher Cooper, "In Guantanamo, Prisoners Languish in a Sea of Red Tape," *Wall Street Journal*, Jan. 26, 2005, at A1; Associated Press, "Guantanamo Takes on the Look of Permanency," Jan. 9, 2005.

Rendition

38. During interrogations, detainees have also been threatened with rendition or transfer to countries that permit indefinite detention without charge or trial and/or routinely practice torture. Upon information and belief, the United States has secretly transferred detainees to such countries without complying with the applicable legal requirements for extradition. This practice, known as "extraordinary rendition," is used to facilitate interrogation by subjecting detainees to torture. *See* Jane Mayer, "Outsourcing Torture: The Secret History of American's "Extraordinary Rendition" Program, *The New Yorker*, Feb. 14, 2005, at 106.
39. The U.S. government's practice of extraordinary rendition has been documented by major American and international news organizations, including, *inter alia*, the *Washington Post*, *The Los Angeles Times*, and the British Broadcasting Corporation (the "BBC"). According to news accounts:

Since September 11, the U.S. government has secretly transported dozens of people suspected of links to terrorists to countries other than the United States bypassing extradition procedures and legal formalities, according to Western diplomats and intelligence source. The suspects have been taken to countries . . . whose intelligence services have close

ties to the CIA and where they can be subjected to interrogation tactics -- including torture and threats to families -- that are illegal in the United States, the sources said. In some cases, U.S. intelligence agents remain closely involved in the interrogations, the sources said.

Rajiv Chanrasekaran & Peter Finn, "U.S. Behind Secret Transfer of Terror Suspects," *Washington Post*, Mar. 11, 2002, at A1; *see also* Dana Priest, "Long Term Plan Sought for Terror Suspects," *Washington Post*, Jan. 2, 2005, at A1 ("The transfers, called 'renditions,' depend on arrangements between the United States and other countries, such as Egypt ..., that agree to have local security services hold certain suspects in their facilities for interrogation by CIA and foreign liaison officers.").

40. Upon information and belief, Petitioner Zahir is at risk of being rendered, expelled or extradited without lawful procedures to a country that engages in torture and other unlawful conduct during interrogations and incarceration.
41. The United States Government has announced that it intends to transfer to Afghanistan an undisclosed number of Afghani citizens detained in Guantanamo. *See* "U.S. dealing to send most Guantanamo prisoners home," *Washington Post*, August 5, 2005.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF **(COMMON LAW DUE PROCESS AND DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES UNLAWFUL DEPRIVATION OF LIBERTY)**

42. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
43. By the actions described above, Respondents, acting under color of law, have violated and continue to violate common law principles of due process as well as the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

President Bush has ordered Petitioner Zahir's prolonged, indefinite, and arbitrary detention without due process of law, and the remaining Respondents have carried out those orders. Respondents' actions deny Petitioner Zahir the process accorded to persons seized and detained by the United States military in times of armed conflict as established by, *inter alia*, the Uniform Code of Military Justice, Army Regulation 190-8, Articles 3 and 5 of the Third and Fourth Geneva Conventions, and customary international law as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

44. To the extent that Petitioner Zahir's detention purports to be authorized by the Executive Order, that Order violates the Fifth Amendment on its face and as applied to Petitioner Zahir.
45. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief as well as any other relief the court may deem appropriate.

SECOND CLAIM FOR RELIEF
(DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES
UNLAWFUL CONDITIONS OF CONFINEMENT)

46. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
47. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of Petitioner Zahir to be free from unlawful conditions of confinement, in violation of the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

48. Accordingly, Petitioner Zahir is entitled to declaratory and injunctive relief as well as any other relief the court may deem appropriate.

THIRD CLAIM FOR RELIEF

(GENEVA CONVENTIONS - ARBITRARY DENIAL OF DUE PROCESS)

49. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
50. By the actions described above, Respondents, acting under color of law, have denied and continue to deny Petitioner Zahir the process accorded to persons seized and detained by the United States military in times of armed conflict as established by specific provisions of the Third and Fourth Geneva Conventions.
51. Violations of the Geneva Conventions are direct treaty violations and are also violations of customary international law, and constitute an enforceable claim under 28 U.S.C. § 2241 (c)(3).
52. Respondents are liable for this conduct described above, insofar as they determine the conditions of Petitioner Zahir's confinement and directly or indirectly facilitated, ordered, acquiesced, confirmed, ratified, and conspired to violate the Geneva Conventions.
53. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief as well as any other relief the court may deem appropriate.

FOURTH CLAIM FOR RELIEF

**(INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW
ARBITRARY DENIAL OF DUE PROCESS)**

54. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.

55. By the actions described above, Respondents have denied and continue to deny Petitioner Zahir the process due to persons seized and detained by the United States military in times of armed conflict as establish by customary international humanitarian and human rights law as reflected, expressed, and defined in multilateral treaties and other international instruments and domestic judicial decisions, and other authorities.
56. Because Respondents are detaining Petitioner Zahir "under or by color of the authority of the United States" and "in violation of the Constitution or laws or treaties of the United States," Petitioner Zahir's claim arises under 28 U.S.C. § 2241, and he is entitled to habeas corpus relief.
57. Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief as well as any other relief the court may deem appropriate.

FIFTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE - TORTURE)

58. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
59. By the actions described above, the Respondents directed, ordered, confirmed, ratified, and conspired together and with others to bring about acts that deliberately and intentionally inflicted severe physical and psychological abuse and agony upon Petitioner Zahir in order to obtain coerced information or confessions from him, to punish or intimidate Petitioner Zahir, or for other purposes. Upon information and belief Petitioner Zahir, among other abuses, has been held in and surrounded by conditions of isolation and solitary confinement; constant vulnerability to repeated interrogation and severe beatings; being kept in cages with no privacy; shackled with

heavy chains and irons; placed in solitary confinement or the threat of solitary confinement for minor rule infractions for prolonged periods of time; interrogated while shackled and chained in painful positions; exposed to extremes of temperature; subjected to violent behavior or the threat of violence; threatened with rendition to countries that practice torture; sexually humiliated; denied access to counsel and family; deprived of adequate medical care; and subjected to repeated psychological abuse.

60. The acts described herein constitute torture in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violate customary international law prohibiting torture as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.
61. Respondents are liable for said conduct because they directed, ordered, confirmed, ratified, and conspired together and with others to commit the acts of torture against Petitioner Zahir.
62. Upon information and belief Petitioner Zahir has been and is now forced to suffer severe physical and psychological abuse and agony and is entitled to habeas corpus, declaratory, and injunctive relief and other relief to be determined at trial.

SIXTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE - WAR CRIMES)

63. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
64. By the actions described above, Respondents' acts directing, ordering, confirming, ratifying, and conspiring to bring about the torture and other inhumane treatment of

Petitioner Zahir constitute war crimes and/or crimes against humanity in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated, among other laws, the Fourth Geneva Convention, Common Article III of the Geneva Conventions and Additional Protocols I and II of the Geneva Conventions as well as customary international law prohibiting war crimes as reflected, expressed, and defined in other multilateral treaties and international instruments, international and domestic judicial decision, and other authorities.

65. As a result of Respondents' unlawful conduct, Petitioner Zahir has been and is forced to suffer severe physical and psychological abuse and agony, and is therefore entitled to declaratory, and injunctive relief, and such other relief as the court may deem appropriate.

SEVENTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE – CRUEL, INHUMAN OR DEGRADING TREATMENT)

66. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
67. The acts described herein were calculated to and had the effect of grossly humiliating and debasing Petitioner Zahir, forcing him to act against his will and conscience, inciting fear and anguish, and breaking his physical and moral resistance to Respondents' unlawful actions.
68. The acts described herein constitute cruel, inhuman or degrading treatment in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated customary international law prohibiting cruel, inhuman or degrading treatment

as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

69. Respondents are liable for said conduct because they directed, ordered, confirmed, ratified, and conspired together and with others to cause the cruel, inhuman or degrading treatment of Petitioner Zahir.
70. Upon information and belief, Petitioner Zahir was forced to suffer severe physical and psychological abuse and agony and is entitled to declaratory and injunctive relief as well as other relief to be determined at trial.

EIGHTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE
ARBITRARY ARREST AND PROLONGED ARBITRARY DETENTION)

71. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
72. The acts described herein constitute arbitrary arrest and detention of Petitioner Zahir in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated customary international law prohibiting arbitrary detention as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.
73. Respondents are liable for said conduct in that they directed, ordered, confirmed, ratified, and conspired together and with others to bring about the arbitrary arrest and prolonged arbitrary detention of Petitioner Zahir in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated customary international law prohibiting arbitrary arrest and prolonged arbitrary detention as

reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

74. As a result of Respondents' unlawful conduct, Petitioner Zahir has been and is now deprived of his freedom, separated from his family, and forced to suffer severe physical and mental abuse, and is therefore entitled to habeas corpus, declaratory, and injunctive relief, and such other relief as the court may deem appropriate.

NINTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE - ENFORCED DISAPPEARANCE)

75. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
76. By the actions described above, the Respondents directed, ordered, confirmed, ratified, and conspired to bring about the enforced disappearance of Petitioner Zahir in violation of the law of nations under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated customary international law prohibiting enforced disappearances as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.
77. As a result of Respondents' unlawful conduct, Petitioner Zahir has been and is now deprived of his freedom, separated from his family, and forced to suffer severe physical and mental abuse, and is therefore entitled to habeas corpus, declaratory and injunctive relief and such other relief as the court may deem appropriate.

TENTH CLAIM FOR RELIEF
(ARTICLE II OF THE UNITED STATES CONSTITUTION
UNLAWFUL DETENTION)

78. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
79. Upon information and belief, Petitioner Zahir is not, nor has he ever been, an enemy alien, lawful or unlawful belligerent, or combatant of any kind. The President lacks the authority to order or direct military officials to detain civilians who are seized away from the theater of war or occupied territory or who were not carrying a weapon against American troops on a foreign battlefield. *Hamdi v. Rumsfeld*, 124 S.Ct. 2633, 2642 n.1 (2004).
80. By the actions described above, President Bush has exceeded and continues to exceed his authority under Article II of the United States Constitution by authorizing, ordering and directing that military officials seize Petitioner Zahir and transfer him to military detention, and by authorizing and ordering Petitioner Zahir's continued military detention at Guantanamo. All of the Respondents acted and continue to act without lawful authority by directing, ordering, and/or supervising the seizure and detention of Petitioner Zahir.
81. The Respondents' seizure and detention of Petitioner Zahir is *ultra vires* and illegal because it is in violation of Article II of the United States Constitution. To the extent that the Executive asserts that Petitioner Zahir's detention is authorized by the Executive Order, that Order exceeds the President's authority under Article II and is *ultra vires* and void on its face and as applied to Petitioner Zahir.

82. To the extent that Respondents assert that their authority to detain Petitioner Zahir derives from a source other than the Executive Order, including without limitation the Executive's inherent authority to conduct foreign affairs or to serve as Commander-in-Chief of the U.S. Armed Forces, whether from Article II of the Constitution or otherwise, Respondents lack that authority as a matter of fact and law.
83. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief, as well as any other relief the court may deem appropriate.

ELEVENTH CLAIM FOR RELIEF
(VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
UNLAWFUL DETENTION)

84. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
85. Army Regulation 190-8 prohibits the detention of civilians who were seized away from the field of battle or outside occupied territory or who were not engaged in combat against the United States. *See, e.g.*, Army Reg. 190-8 at 1-6(g) ("Persons who have been determined by a competent tribunal not to be entitled to prisoner of war status may not be executed, imprisoned, or otherwise penalized without further proceedings to determine what acts they have committed and what penalty should be imposed.").
86. By arbitrarily and capriciously detaining Petitioner Zahir in military custody for over three years in the manner described above, Respondents have acted and continue to act *ultra vires* and unlawfully in violation of the Administrative Procedures Act, 5 U.S.C. § 706(2).
87. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief, as well as any other relief the court may deem appropriate.

TWELFTH CLAIM FOR RELIEF
**(VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT
ARBITRARY AND CAPRICIOUS DENIAL OF DUE PROCESS)**

88. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
89. By the actions described above, Respondents, acting under color of law, have arbitrarily and capriciously denied and continue to deny Petitioner Zahir the process accorded to persons seized and detained by the United States military in times of armed conflict as established by Army Regulation 190-8 in violation of the Administrative Procedures Act, 5 U.S.C. § 706(2).
90. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief, as well as any other relief the court may deem appropriate.

THIRTEENTH CLAIM FOR RELIEF
**(VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT
TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT)**

91. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
92. By the actions described above, the Respondents have acted and continue to act arbitrarily and capriciously by directing, ordering, confirming, ratifying, and/or conspiring to unlawfully subject Petitioner Zahir to torture and/or cruel, inhuman or degrading treatment in violation of Army Regulation 190-8 and the Administrative Procedures Act, 5 U.S.C. § 706(2).
93. Accordingly, Petitioner Zahir is entitled to declaratory and injunctive relief, as well as any other relief the court may deem appropriate.

FOURTEENTH CLAIM FOR RELIEF
(VIOLATION OF THE RIGHT TO COUNSEL
AND TO ACCESS TO THE COURTS)

94. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
95. Respondents, purportedly acting from a concern for national security, consistently have contrived to intrude upon Petitioner Zahir's right to consult with counsel by conditioning counsel's access to Petitioner Zahir on unreasonable terms, including classification/declassification procedures, all in violation of Petitioner Zahir's attorney-client privilege, his work product privilege, and the Fifth and Sixth Amendments to the U.S. Constitution.
96. Accordingly, Petitioner Zahir is entitled to habeas corpus, declaratory, and injunctive relief, as well as any other relief the court may deem appropriate.

FIFTEENTH CLAIM FOR RELIEF
(DUE PROCESS CLAUSE - RENDITION)

97. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
98. Upon information and belief, Petitioner Zahir is at risk of being rendered, expelled or returned without lawful procedures to a country that engages in torture. The transfer of the Petitioner Zahir to a country that creates a foreseeable and direct risk that he will be subjected to torture constitutes a violation of Petitioner Zahir's rights under the Due Process Clause of the Fifth Amendment to the United States Constitution.
99. Accordingly, Petitioner Zahir is entitled to declaratory and injunctive relief, as well as any other relief the court may deem appropriate.

SIXTEENTH CLAIM FOR RELIEF
(CONVENTIONS AGAINST TORTURE AND
RELATING TO THE STATUS OF REFUGEES - RENDITION)

100. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
101. Upon information and belief, Petitioner Zahir is at risk of being rendered, expelled or returned without lawful procedures to a country that engages in torture. The transfer of the Petitioner Zahir to a country that creates a foreseeable and direct risk that he will be subjected to torture constitutes a direct violation of Petitioner Zahir's rights under the Covenant Against Torture and the 1954 Convention Relating to the Status of Refugees, 19 U.S.T. 6259, 189 U.N.T.S. 150 *entered into force* Apr. 22, 1954.
102. Accordingly, Petitioner Zahir is entitled to declaratory and injunctive relief, as well as any other relief the court may deem appropriate.

SEVENTEENTH CLAIM FOR RELIEF
(ALIEN TORT STATUTE- RENDITION)

103. Petitioner Zahir incorporates by reference all preceding paragraphs as if set forth fully herein.
104. Upon information and belief, Petitioner Zahir is at risk of being rendered, expelled or returned without lawful procedures to a country that engages in torture. The transfer of the Petitioner Zahir to a country that creates a foreseeable and direct risk that he will be subjected to torture constitutes a violation of Petitioner Zahir's rights under customary international law, which may be vindicated under the Alien Tort Statute.
105. Accordingly, Petitioner Zahir is entitled to declaratory and injunctive relief, as well as any other relief the court may deem appropriate.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Zahir prays for relief as follows:

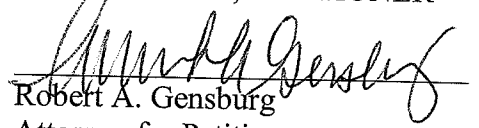
1. Grant a Writ of Habeas Corpus and order Respondents to release Petitioner Zahir from his current unlawful detention;
2. Order that Petitioner Zahir be brought before the Court or before a Magistrate Judge assigned by the Court at a convenient facility in this judicial district to conduct proceedings under the supervision of the Court to vindicate his rights;
3. Order that Petitioner Zahir cannot be transferred to any other country without the specific, written agreement of Petitioner Zahir and Petitioner Zahir's counsel while this action is pending;
4. Order that Petitioner Zahir cannot be delivered, returned, or rendered to a country where there is a foreseeable and imminent risk that Petitioner will be subject to torture;
5. Order Respondents to allow counsel to meet and confer with Petitioner Zahir, in private and unmonitored attorney-client conversations;
6. Order Respondents to cease all interrogations of Petitioner Zahir, direct or indirect, while this litigation is pending;
7. Order Respondents to cease all acts of torture and cruel, inhuman and degrading treatment of Petitioner Zahir;
8. Order and declare that the Executive Order is *ultra vires* and unlawful in violation of Article II of the United States Constitution, the Fifth Amendment to the U.S. Constitution, the Uniform Code of Military Justice, the Administrative Procedures Act, 5 U.S.C. § 702, the treaties of the United States and customary international law;

9. Order and declare that the prolonged, indefinite, and restrictive detention of Petitioner Zahir without due process is arbitrary and unlawful and a deprivation of liberty without due process in violation of common law principles of due process, the Due Process Clause of the Fifth Amendment to the United States Constitution, the regulations of the United States military, the treaties of the United States, and customary international humanitarian law;
10. Order that Respondents advise Petitioner Zahir and his counsel whenever the government proposes or is about to move Petitioner Zahir to a different location or change Petitioner Zahir's status in any way; and
11. Grant such other relief as the Court may deem necessary and appropriate to protect Petitioner' Zahir's rights under the common law, the United States Constitution, federal statutory law and international law.

EXECUTED August 11, 2005.

ABDUL ZAHIR, PETITIONER

by:


Robert A. Gensburg
Attorney for Petitioner
Fed. Bar ID #000243107
P. O. Box 248
St. Johnsbury, VT 05819
(802) 748-5338

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-CV-1236 (RWR)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	
ABDUL ZAHIR,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-CV-1623 (CKK)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	

NOTICE OF MULTIPLE PETITIONS FILED BY
GUANTANAMO BAY DETAINEE

Pursuant to the request of the Chambers of Chief Judge Hogan, respondents hereby notify the Court that Guantanamo Bay Detainee ISN 753 has filed petitions for writ of habeas corpus in each of the above-captioned cases. Detainee ISN 753 has filed petitions as Abdulzaher in Abdulzaher v. Bush, No. 05-CV-1236 (RWR), and as Abdul Zahir in Zahir v. Bush, No. 05-CV-1623 (CKK).

Dated: August 24, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

/s/ Preeya M. Noronha

JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)

TERRY M. HENRY
JAMES J. SCHWARTZ
PREEYA M. NORONHA
ROBERT J. KATERBERG
NICHOLAS J. PATTERSON
ANDREW I. WARDEN
EDWARD H. WHITE

Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Tel: (202) 514-2000

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2005, I caused a copy of the foregoing Notice of Multiple Petitions Filed by Guantanamo Bay Detainee to be served via U.S. Mail, First Class postage prepaid, on the following:

Detainee ISN 753
Camp Delta; Guantanamo Bay
Washington, D.C. 20355

Robert A. Gensburg
Gensburg, Atwell & Broderick
P.O. Box 248
St. Johnsbury, VT 05819

/s/ Preeya M. Noronha
PREEYA M. NORONHA
United States Department of Justice
Civil Division, Federal Programs Branch

One of the Attorneys for Respondents

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULZAHER,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	
ABDUL ZAHIR,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1623 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	

ORDER TO SHOW CAUSE

Respondents have concluded that the pro se petitioner proceeding in forma pauperis in Civil Action 05-1236 is one and the same individual as the detained petitioner in Civil Action 05-1623, who is represented by counsel. (See Dkt. 2 in Civil Action 05-1623.) Accordingly, counsel for petitioner in Civil Action 05-1623 is hereby

ORDERED to show cause in writing by October 27, 2005, why the two cases should not be consolidated for all purposes and to affirm that he will continue to represent the detained petitioner if the cases were to be consolidated.

-2-

SIGNED this 14th day of October, 2005.

/s/

RICHARD W. ROBERTS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL ZAHIR,

Petitioner,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1623 (RWR)

MOHAMMED RAJEB ABU
GHANEM, *et al.*,

Petitioners,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1638 (CKK)

AMEEN MOHAMMAD ALBKRI, *et al.*,

Petitioners,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1639 (RBW)

ALLA ALI BIN ALI AHMED, *et al.*,

Petitioners,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1678 (GK)

ABDANNOUR SAMEUR,

Petitioner,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1806 (CKK)

MAZIN SALIH AL-HARBI,

Petitioner,

v.

GEORGE W. BUSH,
President of the United States,
et al.,

Respondents.

Civil Action No. 05-CV-1857 (CKK)

ATTORNEY APPEARANCE

Undersigned counsel, Terry M. Henry, hereby enters his appearance as one of the counsel for respondents in the above-captioned cases.

Dated: October 20, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

DOUGLAS N. LETTER
Terrorism Litigation Counsel

/s/ Terry M. Henry
JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)
TERRY M. HENRY
JAMES J. SCHWARTZ
PREEYA M. NORONHA
ROBERT J. KATERBERG
NICHOLAS J. PATTERSON
ANDREW I. WARDEN
EDWARD H. WHITE
Attorneys
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Washington, DC 20530
Tel: (202) 514-4107
Fax: (202) 616-8470

Attorneys for Respondents

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHAFIQ RASUL, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-299 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
KHALED A.F. AL ODAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-828 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
MAMDOUH HABIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 02-1130 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
NIZAR SASSI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-547 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
MURAT KURNAZ, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1135 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
OMAR KHADR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1136 (JDB)
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOAZZAM BEGG, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1137 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOURAD BENCHELLALI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1142 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
JAMIL EL-BANNA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1144 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FALEN GHEREBI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1164 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
LAKHDAR BOUMEDIENE, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1166 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SUHAIL ABDU ANAM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1194 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ISA ALI ABDULLA ALMUBATI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1227 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHMOAD ABDAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-1254 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
CHARLES SWIFT, as Next Friend for	:	
SALIM AHMED HAMDAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1519 (JR)
	:	
DONALD H. RUMSFELD, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RICHARD BELMAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1897 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

IBRAHIM AHMED MAHMOUDAL
QOSI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

SAIFULLAH PARACHA,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

JARALLAH AL-MARRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHCENE ZEMIRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 04-1937 (PLF)

Civil Action No. 04-2022 (PLF)

Civil Action No. 04-2035 (GK)

Civil Action No. 04-2046 (CKK)

<hr/>	:	
OMAR DEGHAYES, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-2215 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KHALED BEN MUSTAPHA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-22 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HANI SALEH RASHID ABDULLAH,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-23 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MAHMOOD SALIM AL MOHAMMED,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-247 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>		
SHERIF EL-MASHAD, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-270 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMMED AL-ADAH, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-280 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MAJID ABDULLA AL JOUDI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-301 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
JOHN DOES 1-570,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-313 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
AHMED ABDULLAH-WAZAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-329 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULA THANI FARIS AL-ANAZI,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-345 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RAFIQ BIN BASHIR BIN JALLUL	:	
ALHAMI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-359 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
DJAMEL AMEZIANE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-392 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
AYMEN SAEED BATARFI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-409 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HISHAM SLITI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-429 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
M.C.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-430 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
USAMA HASAN ABU KABIR, <i>et al.</i> ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-431 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

RASHID ABDUL MOSLEH QAYED,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**ABDUL-SALAM GAITHAN MUREEF
AL-SHIHRY,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHAMED ABDUL-AZIZ,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABU BAKKER QASSIM, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-454 (RMU)

Civil Action No. 05-490 (PLF)

Civil Action No. 05-492 (JR)

Civil Action No. 05-497 (JR)

SALEH ABDULLAH AL-OSHAN, *et al.*, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-520 (RMU)

MUHAMMED KHAN TUMANI, *et al.*, :

Plaintiffs, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-526 (RMU)

**SULAIMAN SAAD MOHAAMED
AL-OSHAN,** :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-533 (RJL)

**MAJID RADHI AL TOUME
AL SHAMRI,** :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-551 (RWR)

MOHAMMEDOU OULD SALAHI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AMEUR MAMMAR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**ABDULRAZZAQ ABDULLA AL-
SHAREKH, *et al.*,**

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

MURTADHA ALI MAGRAM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-569 (JR)

Civil Action No. 05-573 (RJL)

Civil Action No. 05-583 (RJL)

Civil Action No. 05-584 (CKK)

ABDULLAH IBRAHIM ABDULLAH
AL RASHAIDAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-586 (RWR)

WAHIDOF ABDUL MOKIT,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-621 (HHK)

OMER SAEED SALEM AL DAINI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-634 (RWR)

AHMED ERRACHIDI, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-640 (EGS)

<hr/>	:	
ABDUL SALAM ZAEFF,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-660 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HAZI AHMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-665 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ELHAM BATTAYAV,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-714 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SALIM MUHOOD ADEM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-723 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MOHSEN ABD RUB ABO ASSY, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ADEL HAMLILY,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

AHMED ABU IMRAN, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**BENJAMIN MOHAMMED AL
HABASHI,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-748 (RMC)

Civil Action No. 05-763 (JDB)

Civil Action No. 05-764 (CKK)

Civil Action No. 05-765 (EGS)

**ABDUL HADI IBN EL HATHILY
AL HAMAMY,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-766 (RJL)

**SOFIAN EBRAHIM HAMAD
HAMOODAH,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-795 (RJL)

ALLADEEN, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-833 (JR)

KHIALI-GUL,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-877 (JR)

<hr/>	:	
RAHMATTULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-878 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
TAJ MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-879 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
HAJI NASRAT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-880 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMEDUO OULD SLAHI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-881 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	

<hr/>	:	
FAZIL RAHMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-882 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KARIN BOSTAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-883 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MUHIBULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-884 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALIF MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-885 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
ABDUL WAHAB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-886 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
CHAMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-887 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
NAZUL GUL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-888 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
YASIN MUHAMMED BASARDH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-889 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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SHARBAT KHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-890 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
NASRULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-891 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALI HUSSIAN MUHAMMAD MUETY	:	
SHAABAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-892 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMMAD MUSTAFA SOHAIL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-993 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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KASIMBEKOV KOMOLIDDIN	:	
TOHIRJANOVICH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-994 (RCL)
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHAMEDOU OULD SLAHI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-995 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AKHTEYAR MOHAMMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-996 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KHUDAIDAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-997 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ARKAN MOHAMMAD GHAFIL
AL KAAIM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ASIM BEN THABIT AL-KHALAQI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABIB SARAJUDDIN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ABDULLA MOHAMMED KAHN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-998 (RMU)

Civil Action No. 05-999 (RBW)

Civil Action No. 05-1000 (PLF)

Civil Action No. 05-1001 (ESH)

<hr/>		
AKHTAR MOHAMMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1002 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HABIBULLAH MANGUT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1008 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ADEL HASSAN HAMAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1009 (RCL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOHABAT KHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1010 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ABDUL ZUHOOR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1011 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SYED MUHAMMAD ALI SHAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1012 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL SALAAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1013 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULSALAM ALI ABDULRAHMAN	:	
AL-HELA,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1048 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
ALI SHAH MOUSOVI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1124 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
OMAR MOHAMMED KHALIFH,	:	
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1189 (HHK)
	:	
<hr/>	:	
ABU ABDUL RAUF ZALITA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1220 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AMEUR MAMMAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1233 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
LABED AHMD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1234 (EGS)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL BAQI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1235 (PLF)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULZAHER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1236 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AMINULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1237 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
HAJJI GHALIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1238 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALI ADEL MOTALEB AWEID	:	
AL KHAIIY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1239 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALI ABDULMOTALIB AWEID	:	
HASSAN ALTAIIY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1240 (RJL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL HAKIM ABDUL KAARIN	:	
AMIN BUKHARI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1241 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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AHSANULLAH PIRZAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1242 (RCL)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
IHSAN ULLAH PEERZAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1243 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
TARIQ MAHMOUD ALSAWAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1244 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL MAJID MOHAMMADI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1246 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ABDULRAHIM ABDUL RAZAK
AL GINCO,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

EHSAN ULLAH,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

GHALEB NASSAR AL BIHANI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**FARHI SAEED BIN MOHAMMED,
et al.,**

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1310 (RJL)

Civil Action No. 05-1311 (CKK)

Civil Action No. 05-1312 (RJL)

Civil Action No. 05-1347 (GK)

<hr/>	:	
CYRUS KAR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1348 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
MOTAI SAIB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1353 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
SAEED MOHAMMED SALEH	:	
HATIM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1429 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
NASSER MAZYAD ABDULLAH	:	
AL-SUBAIY, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1453 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
JIHAD DHIAB,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1457 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
AHMED “DOE,”	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1458 (ESH)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
JAWAD JABBER SADKHAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1487 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
FAIZULLAH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1489 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	

**FARAJ ABDL AL HADMI OMAR
MAHOUD,**

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1490 (PLF)

SAWAT KHAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1491 (JR)

ABDU AHMAD,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1492 (RCL)

MOHAMMED AMON,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1493 (RBW)

ADIL BIN MUHAMMAD AL WIRGHI, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1497 (GK)

NABIL (LAST NAME UNKNOWN), :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1504 (RMC)

ABBAR SUFIAN AL HAWARY, :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1505 (RMC)

SHAFIQ (LAST NAME UNKNOWN), :

Plaintiff, :

v. :

GEORGE W. BUSH, *et al.*, :

Defendants. :

Civil Action No. 05-1506 (RMC)

<hr/>	:	
JAMAL KIYEMBA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1509 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
IBRAHIM OSMAN IBRAHIM IDRIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1555 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDUL HADI OMER HAMOUD FARAJ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1590 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
HASSAN BIN ATTASH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1592 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

HAMID AL RAZAK,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1601 (GK)

EDHAM MAMET,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1602 (RMU)

ABDUL RAHEEM GHULAM

RABBANI, *et al.*,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1607 (JR)

ABDUL ZAHIR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1623 (CKK)

MOHAMMAD AKHTIAR,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1635 (PLF)

MOHAMMED RAJEB ABU
GHANEM,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1638 (CKK)

AMEEN MOHAMMAD ALBKRI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1639 (RBW)

ABDULAZIZ ABDULRAHMAN
AL-BADAH, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1641 (CKK)

HUSSAIN SALEM MOHAMMED,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

WALEED SAEED BNSAEED ZAID,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

HUSSEIN SALEM MOHAMMAD

ABDULLAH EL-MARQODI,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

ZEIAD SALEH AL BAHOOOTH,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1645 (PLF)

Civil Action No. 05-1646 (PLF)

Civil Action No. 05-1649 (RMU)

Civil Action No. 05-1666 (ESH)

<hr/>	:	
ABDALHADI M. AL-SOPAI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1667 (RBW)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RASHID AWAD AL AWEDA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1668 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FAHAD SALEH ALGATEL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1669 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ALLA ALI BIN ALI AHMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1678 (GK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

JAWAD JABBAR SADKHAN

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

KADEER KHANDAN,

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

USAMA HASAN ABU KABIR, *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

YOUSIF ABDULLAH AL-RUBAISH,;

Plaintiff,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No. 05-1679 (RJL)

Civil Action No. 05-1697 (PLF)

Civil Action No. 05-1704 (JR)

Civil Action No. 05-1714 (RWR)

<hr/>	:	
SALIM MOHAMMED ADAM BIN	:	
AMIR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1724 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
ABRAHIM OTHMAN ABRAHIM	:	
EDRIES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1725 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
MUHAMMED QASIM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1779 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDANNOUR SAMEUR,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1806 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	

<hr/>	:	
MAZIN SALIH AL-HARBI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1857 (CKK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABU ABDUL AZIZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1864 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
AYOUB HAJI MAMET, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1886 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
FAWAZ NAMAN HAMOUD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1894 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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MOHAMMED AL-QAHTANI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-1971 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ISMAIL ALKHEMISI, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-1983 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
RAVIL MINGAZA GAMIL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2010 (JR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
BENDER AYED HAMOUD HEZAM	:	
AL-OTEIBI AL-SHABANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2029 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

<hr/>	:	
ZAKIRJAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2053 (HHK)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABDULKADR ABDULKHALIK DAD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2083 (JDB)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
ABU MUHAMMED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2087 (RMC)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
<hr/>	:	
KHALED ADB ELGABAR	:	
MOHAMMED OTHMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2088 (RWR)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ISSAM HAMID ALI BIN ALI	:	
ALJAYFI, <i>et al.</i>,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-2104 (CKK)\
	:	
GEORGE W. BUSH, <i>et al.</i>,	:	
	:	
Defendants.	:	
	:	

ORDER

Whereas the Calendar and Case Management Committee of the United States District Court for the District of Columbia recognizes the need to promote the orderly and efficient case management of all habeas petitions that are presently pending or will be filed in this Court relating to the rights of detainees held at the United States Naval Base at Guantanamo Base, Cuba, as well as avoid unnecessary duplication of effort, and in the interests of resolving logistical problems as quickly and satisfactorily as possible, the following case management plan is implemented pursuant to the Committee's authority under LCvR 40.5(e):

1. Effective as of the date of this Order, all Motions pertaining to interpretation or construction of any protective order which has been entered in any of the above-cited cases, shall be referred to Magistrate Judge Alan Kay pursuant to LCvR 72.2(a).

2. Effective as of the date of this Order, all disputes pertaining to logistical issues, such as communications with or visits to clients and counsel, shall be referred to Magistrate Judge Kay to facilitate discussion and resolution by the parties as promptly as possible.

/s/

Gladys Kessler, Chair
Calendar and Case Management Committee

November 2, 2005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ABDULZAHER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 05-1236 (RWR)
)	
GEORGE W. BUSH, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	
ABDUL ZAHIR,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 05-1623 (RWR)
)	
GEORGE W. BUSH, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

It is hereby

ORDERED that the case of *Abdulzaher v. Bush*, Civil Action No. 05-1236, is consolidated with *Abdul Zahir v. Bush*, Civil Action No. 05-1623. It is further

ORDERED that the Clerk's Office is directed to close *Abdulzaher v. Bush*, Civil Action No. 05-1236. It is further

ORDERED that all filings with this Court shall henceforth be filed only under the case of *Abdul Zahir v. Bush*, Civil Action No. 05-1623.

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SIGNED this 21st day of November, 2005.

_____/s/_____
RICHARD W. ROBERTS
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL ZAHIR,)	
)	
Petitioner,)	
)	
v.	)	Civil Action No. 05-1623 (RWR)
)	
GEORGE W. BUSH <u>et al.</u> ,)	
)	
Respondents.)	
)	

PROTECTIVE ORDER AND PROCEDURES FOR COUNSEL ACCESS
TO PETITIONERS AT THE UNITED STATES NAVAL BASE
IN GUANTANAMO BAY, CUBA

To prevent the unauthorized disclosure or dissemination of classified national security information and other protected information that may be reviewed by, made available to, or are otherwise in the possession of, the petitioners and/or petitioners' counsel in this case, pursuant to the general supervisory authority of the Court,

IT IS ORDERED:

1. This case likely involves classified national security information or documents, the storage, handling and control of which require special security precautions, and access to which requires a security clearance and a "need to know." This case may also involve other protected information or documents, the storage, handling and control of which may require special precautions in order to protect the security of United States

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government personnel and facilities, and other significant government interests.

2. The purpose of this Protective Order is to establish the procedures that must be followed by all petitioners' counsel, their respective petitioner(s), all other counsel involved in this case, translators for the parties, and all other individuals who receive access to classified national security information or documents, or other protected information or documents, in connection with this case, including the privilege team as defined in Exhibit A.

3. The procedures set forth in this Protective Order will apply to all aspects of this case, and may be modified by further order of the Court sua sponte or upon application by any party. The Court will retain continuing jurisdiction to enforce or modify the terms of this Order.

4. Nothing in this Order is intended to or does preclude the use of classified information by the government as otherwise authorized by law outside of these actions.

5. Petitioners' counsel shall be responsible for advising their employees, the petitioners, and others of the contents of this Protective Order, as appropriate or needed.

6. Petitioners' counsel are bound by the terms and conditions set forth in the "Revised Procedures For Counsel

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Access To Detainees At the U.S. Naval Base In Guantanamo Bay, Cuba," and the procedures for handling mail and documents brought into and out of counsel meetings, attached hereto as Exhibit A. This Protective Order specifically incorporates by reference all terms and conditions established in the procedures contained in Exhibit A to the extent they place limitations on petitioners' counsel in their access to and interaction with petitioners or handling of information. Any violation of the terms and conditions of those procedures will also be deemed a violation of this Protective Order.

7. The privilege team shall not disclose to any person any information provided by counsel for a petitioner or by a petitioner, other than information provided in a filing with the Court, unless such information, if it were monitored information, could be disclosed under Section X of Exhibit A. Such disclosure shall be consistent with the provisions of Section X of Exhibit A.

Definitions

8. As used herein, the words "documents" or "information" shall include, but are not limited to, all written or printed matter of any kind, formal or informal, including originals, conforming copies and non-conforming copies (whether different

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from the original by reason of notation made on such copies or otherwise), and further include, but are not limited to:

a. papers, correspondence, memoranda, notes, letters, reports, summaries, photographs, maps, charts, graphs, interoffice and intra-office communications, notations of any sort concerning conversations, meetings, or other communications, bulletins, teletypes, telegrams, telefacsimiles, invoices, worksheets, and drafts, alterations, modifications, changes and amendments of any kind to the foregoing;

b. graphic or oral records or representations of any kind, including, but not limited to, photographs, charts, graphs, microfiche, microfilm, videotapes, sound recordings of any kind, and motion pictures;

c. electronic, mechanical or electric records of any kind, including, but not limited to, tapes, cassettes, disks, recordings, electronic mail, films, typewriter ribbons, word processing or other computer tapes or disks, and all manner of electronic data processing storage; and

d. information acquired orally.

9. The terms "classified national security information and/or documents," "classified information" and "classified documents" refer to:

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a. any classified document or information that has been classified by any Executive Branch agency in the interests of national security or pursuant to Executive Order, including Executive Order 12958, as amended, or its predecessor Orders as "CONFIDENTIAL," "SECRET," or "TOP SECRET," or additionally controlled as "SENSITIVE COMPARTMENTED INFORMATION (SCI)," or any classified information contained in such document;

b. any document or information, regardless of its physical form or characteristics, now or formerly in the possession of a private party that has been derived from United States government information that was classified, regardless of whether such document or information has subsequently been classified by the government pursuant to Executive Order, including Executive Order 12958, as amended, or its predecessor Orders as "CONFIDENTIAL," "SECRET," or "TOP SECRET," or additionally controlled as "SENSITIVE COMPARTMENTED INFORMATION (SCI)";

c. verbal or non-documentary classified information known to the petitioner or petitioners' counsel; or

d. any document and information as to which the petitioner or petitioners' counsel have been notified orally or in writing that such documents or information contains classified information.

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10. All classified documents, and information contained therein, shall remain classified unless the documents bear a clear indication that they have been declassified by the agency or department that is the original classification authority of the document or the information contained therein (hereinafter, the "original classification authority").

11. The terms "protected information and/or documents," "protected information" and "protected documents" refer to any document or information deemed by the Court, either upon application by counsel or sua sponte, as worthy of special treatment as if the document or information were classified, even if the document or information has not been formally deemed to be classified.

12. For purposes of this Protective Order, "petitioners' counsel" shall be defined to include an attorney who is employed or retained by or on behalf of a petitioner for purposes of representing the petitioner in habeas corpus or other litigation in federal court in the United States, as well as co-counsel, interpreters, translators, paralegals, investigators and all other personnel or support staff employed or engaged to assist in the litigation.

13. "Access to classified information" or "access to protected information" shall mean having access to, reviewing,

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reading, learning, or otherwise coming to know in any manner any classified information or protected information.

14. "Secure area" shall mean a physical facility accredited or approved for the storage, handling, and control of classified information.

15. "Unauthorized disclosure of classified information" shall mean any knowing, willful or negligent action that could reasonably be expected to result in a communication or physical transfer of classified information to an unauthorized recipient.

16. "Coordinated cases" shall mean cases brought by Guantanamo Bay detainees in this court that were coordinated by Judge Joyce Hens Green in In re Guantanamo Detainee Cases, Civil Action Nos. 02-0299 (CKK), 02-828 (CKK), 02-1130 (CKK), 04-1135 (ESH), 04-1136 (JDB), 04-1137 (RMC), 04-1144 (RWR), 04-1164 (RBW), 04-1194 (HHK), 04-1227 (RBW), 04-1254 (HHK).

Designation of Court Security Officer

17. The Court designates Christine E. Gunning as Court Security Officer for this case, and Joan B. Kendrall, Michael P. Macisso, James P. Londergan, Mary M. Cradlin, Daniel O. Hartenstine, John P. Molinard, Jennifer Campbell, and Barbara J. Russell as Alternate Court Security Officers, for the purpose of providing security arrangements necessary to protect from unauthorized disclosure of any classified documents or

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information, or protected documents or information, to be made available in connection with this case. Petitioners' counsel shall seek guidance from the Court Security Officer with regard to appropriate storage, handling, transmittal, and use of classified documents or information.

Access to Classified Information and Documents

18. Without authorization from the government, no petitioner or petitioners' counsel shall have access to any classified information involved in this case unless that person shall first have:

a. made a written submission to the Court Security Officer precisely stating the reasons why counsel has a need to know the classified information requested; and

b. received the necessary security clearance as determined by the Department of Justice Security Officer; and

c. signed the Memorandum of Understanding ("MOU"), attached hereto as Exhibit B, agreeing to comply with the terms of this Protective Order.

The written submissions that are made by counsel to the Court Security Officer stating the reasons why counsel has a need to know the classified information requested shall be kept confidential by the Court Security Officer and shall not be

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disclosed to any other counsel or party to this case unless the Court specifically orders such disclosure.

19. Petitioners' counsel to be provided access to classified information shall execute the MOU appended to this Protective Order, and shall file executed originals with the Court and submit copies to the Court Security Officer and counsel for the government. The execution and submission of the MOU is a condition precedent for petitioners' counsel to have access to, or continued access to, classified information for the purposes of this proceeding.

20. The substitution, departure, or removal of petitioners' counsel from this case for any reason shall not release that person from the provisions of this Protective Order or the MOU executed in connection with this Order.

21. The government shall arrange for one appropriately approved secure area for the use of petitioners' counsel. The secure area shall contain a working area that will be supplied with secure office equipment reasonable and necessary to the preparation of the petitioners' case. Expenses for the secure area and its equipment shall be borne by the government.

22. The Court Security Officer shall establish procedures to ensure that the secure area is accessible to the petitioners' counsel during normal business hours and at other times on

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reasonable request as approved by the Court Security Officer. The Court Security Officer shall establish procedures to ensure that the secure area may be maintained and operated in the most efficient manner consistent with the protection of classified information. The Court Security Officer or Court Security Officer designee may place reasonable and necessary restrictions on the schedule of use of the secure area in order to accommodate appropriate access to all petitioners' counsel in this and other proceedings.

23. All classified information provided by the government to counsel for petitioners, and all classified information otherwise possessed or maintained by petitioners' counsel, shall be stored, maintained, and used only in the secure area.

24. No documents containing classified information may be removed from the secure area unless authorized by the Court Security Officer or Court Security Officer designee supervising the area.

25. Consistent with other provisions of this Protective Order, petitioners' counsel shall have access to the classified information made available to them in the secure area, and shall be allowed to take notes and prepare documents with respect to those materials.

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26. Petitioners' counsel shall not copy or reproduce any classified information in any form, except with the approval of the Court Security Officer or in accordance with the procedures established by the Court Security Officer for the operation of the secure area.

27. All documents prepared by petitioners or petitioners' counsel that do or may contain classified information (including without limitation, notes taken or memoranda prepared by counsel and pleadings or other documents intended for filing with the Court) shall be transcribed, recorded, typed, duplicated, copied, or otherwise prepared only by persons who have received an appropriate approval for access to classified information. Such activities shall take place in the secure area on approved word processing equipment and in accordance with the procedures approved by the Court Security Officer. All such documents and any associated materials containing classified information (such as notes, memoranda, drafts, copies, typewriter ribbons, magnetic recordings, exhibits) shall be maintained in the secure area unless and until the Court Security Officer advises that those documents or associated materials are unclassified in their entirety. None of these materials shall be disclosed to counsel for the government unless authorized by the Court, by

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petitioners' counsel or as otherwise provided in this Protective Order.

28. Petitioners' counsel shall discuss classified information only within the secure area or in another area authorized by the Court Security Officer, shall not discuss classified information over any standard commercial telephone instrument or office intercommunication system, and shall not transmit or discuss classified information in electronic mail communications of any kind.

29. The Court Security Officer or Court Security Officer designee shall not reveal to any person the content of any conversations she or he may hear by or among petitioners' counsel, nor reveal the nature of documents being reviewed by them, or the work generated by them, except as necessary to report violations of this Protective Order to the Court or to carry out their duties pursuant to this Order. In addition, the presence of the Court Security Officer or Court Security Officer designee shall not operate as a waiver of, limit, or otherwise render inapplicable, the attorney-client privilege or work product protections.

30. Petitioners' counsel shall not disclose the contents of any classified documents or information to any person, including counsel in related cases brought by Guantanamo Bay detainees in

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this or other courts, except those authorized pursuant to this Protective Order or the Protective Order in the coordinated cases, the Court, and counsel for the government with the appropriate clearances and the need to know that information. Except as otherwise specifically provided by Judge Colleen Kollar-Kotelly in her well-reasoned opinion addressing counsel access procedures regarding petitioners Mohammed Ahmed al Kandari, Fawzi Khalid Abdullah Fahad al Odah, and Khalid Abdullah Mishal al Mutairi in Al Odah v. United States, 02-CV-0828 (CKK), counsel for petitioners in this case are presumed to have a "need to know" information both in their own cases and in related cases pending before this Court. Therefore, and except as provided with respect to the three petitioners in Al Odah mentioned above, counsel for all petitioners in this case and the coordinated cases who have satisfied all necessary prerequisites and follow all procedures set forth herein may share and discuss among themselves classified information to the extent necessary for the effective representation of their clients. Counsel for respondents may challenge the "need to know" presumption on a case-by-case basis for good cause shown.

31. Petitioners' counsel shall not disclose classified information not provided by petitioner-detainee to that petitioner-detainee. Should petitioners' counsel desire to

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disclose classified information not provided by petitioner-detainee to that petitioner-detainee, petitioners' counsel will provide in writing to the privilege review team (See Exhibit A) a request for release clearly stating the classified information they seek to release. The privilege review team will forward the petitioner counsel's request to the appropriate government agency authorized to declassify the classified information for a determination. The privilege review team will inform petitioners' counsel of the determination once it is made.

32. No petitioner or counsel for petitioner shall disclose or cause to be disclosed any information known or believed to be classified in connection with any hearing or proceeding in this case except as otherwise provided herein.

33. Except as otherwise stated in this paragraph and to ensure the security of the United States of America, at no time, including any period subsequent to the conclusion of the proceedings, shall petitioners' counsel make any public or private statements disclosing any classified information or documents accessed pursuant to this Protective Order, including the fact that any such information or documents are classified. In the event that classified information enters the public domain, however, counsel are not precluded from making private or public statements about the information already in the public

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domain, but only to the extent that the information is in fact in the public domain. Counsel may not make any public or private statements revealing personal knowledge from non-public sources regarding the classified or protected status of the information or disclosing that counsel had personal access to classified or protected information confirming, contradicting, or otherwise relating to the information already in the public domain. In an abundance of caution and to help ensure clarity on this matter, the Court emphasizes that counsel shall not be the source of any classified or protected information entering the public domain.

As stated in more detail in paragraph 53 below, failure to comply with these rules may result in the revocation of counsel's security clearance as well as civil and/or criminal liability.

34. The foregoing shall not prohibit petitioners' counsel from citing or repeating information in the public domain that petitioners' counsel does not know to be classified information or a classified document, or derived from classified information or a classified document.

35. All documents containing classified information prepared, possessed or maintained by, or provided to, petitioners' counsel (except filings submitted to the Court and served on counsel for the government), shall remain at all times in the control of the Court Security Officer for the duration of

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this case. Upon final resolution of this case, including all appeals, all such documents shall be destroyed by the Court Security Officer.

Designation Procedures for Protected Information

36. Should counsel for respondents in this case wish to have the court deem any information "protected," counsel for respondents shall disclose the information to qualified counsel for petitioners and attempt to reach an agreement regarding the designation of information prior to filing a motion with the Court. "Qualified counsel" for petitioners means those counsel who have satisfied the necessary prerequisites set forth in this Order for the viewing of protected information. Counsel for petitioners shall treat such disclosed information as "protected" unless and until the Court rules that the information should not be designated as "protected." Counsel for petitioners shall make their best efforts to designate one attorney as a representative to review the information on their behalf and to negotiate with counsel for respondents prior to the filing of any motions to deem information "protected."

Access to Protected Information and Documents

37. Without authorization from the government or the Court, protected information shall not be disclosed or distributed to any person or entity other than the following:

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a. petitioners' counsel, provided such individuals have signed the Acknowledgment, attached hereto as Exhibit C, attesting to the fact that they have read this Protective Order and agree to be bound by its terms; and

b. the Court and its support personnel.

38. The execution of the Acknowledgment is a condition precedent for petitioners' counsel to have access to, or continued access to, protected information for the purposes of this proceeding. A copy of each executed Acknowledgment shall be kept by counsel making the disclosure until thirty (30) days after the termination of this action, including appeals.

39. The substitution, departure, or removal of petitioners' counsel from this case for any reason shall not release that person from the provisions of this Protective Order or the Acknowledgment executed in connection with this Protective Order.

40. Petitioners' counsel shall not disclose the contents of any protected documents or information to any person, to include counsel in related cases brought by Guantanamo Bay detainees in this or other courts, except those authorized pursuant to this Protective Order or the Protective Order in the coordinated cases, the Court, or counsel for the government. Except as otherwise specifically provided by Judge Colleen Kollar-Kotelly with respect to counsel for petitioners Mohammed Ahmed al

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Kandari, Fawzi Khalid Abdullah Fahad al Odah, and Khalid Abdullah Mishal al Mutairi in Al Odah v. United States, 02-CV-0828 (CKK), counsel for petitioners in this case and the coordinated cases may share protected information with each other but only to the extent that counsel have appropriate security clearances and that all other procedures set forth in this Protective Order are complied with. Petitioners' counsel shall maintain all protected information and documents received through this proceeding in a confidential manner.

41. Petitioners' counsel shall not disclose protected information not provided by petitioner-detainee to that petitioner-detainee without prior concurrence of counsel for the government or express permission of the Court.

42. No petitioner or counsel for petitioner shall disclose or cause to be disclosed any information known or believed to be protected in connection with any hearing or proceeding in this case or the coordinated cases except as otherwise provided herein.

43. At no time, including any period subsequent to the conclusion of the proceedings, will petitioners' counsel make any public or private statements disclosing any protected information or documents accessed pursuant to this Protective Order,

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including the fact that any such information or documents are protected.

44. Protected information shall be used only for purposes directly related to this case or the coordinated cases and not for any other litigation or proceeding, except by leave of the Court. Photocopies of documents containing such information shall be made only to the extent necessary to facilitate the permitted use hereunder.

45. Nothing in this Protective Order shall prevent the government from using for any purpose protected information it provides a party. Nothing in this Protective Order shall entitle another party to protected information.

46. Supplying protected information to another party does not waive privilege with respect to any person or use outside that permitted by this Protective Order.

47. Within sixty (60) days of the resolution of this action, and the termination of any appeals therefrom, all protected documents or information, and any copies thereof, shall be promptly destroyed, provided that the party to whom protected information is disclosed certifies in writing that all designated documents and materials have been destroyed, and further provided that counsel for the government may retain one complete set of any such materials that were presented in any form to the Court.

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Any such retained materials shall be placed in an envelope or envelopes marked "Protected Information Subject to Protective Order." In any subsequent or collateral proceeding, a party may seek discovery of such materials from the government, without prejudice to the government's right to oppose such discovery or its ability to dispose of the materials pursuant to its general document retention policies.

Procedures for Filing Documents

48. All documents filed by a petitioner shall be filed under seal with the court through the Court Security Officer for determination by the appropriate agency as to whether the documents contain classified or protected information. At the time of making a submission to the CSO, the attorney shall file on the public record in the CM/ECF system a "Notice of Filing" notifying the Court that a submission has been made to the CSO and specifying in general terms the nature of the filing without disclosing any potentially classified or protected information. Attached to the Notice of Filing in the CM/ECF system shall be a one page submission repeating in general terms the nature of the filing without disclosing any potentially classified or protected information and disclosing the date and time the document was delivered to the CSO for her review.

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49. In the event that the CSO informs counsel for a petitioner that a proposed filing does not contain any classified or protected information, counsel shall then promptly file the full submission in the CM/ECF system and counsel shall make specific reference to the earlier docket entry notifying the Court that the document had been submitted to the CSO for review. The docket entry description shall also state that the CSO has approved of the public filing of the document. The underlying document filed in the CM/ECF system shall contain a notation in the upper right hand corner of the first page stating, "PREVIOUSLY FILED WITH CSO AND CLEARED FOR PUBLIC FILING."

50. In the event that the CSO informs counsel for a petitioner that a proposed filing does in fact contain some or all classified or protected information, counsel shall then promptly file in the CM/ECF system a version of the document suitable for public viewing. Unless an entire document is deemed classified or protected, a "version of the document suitable for public viewing" shall mean a document in which the portions of the document containing classified or protected information are redacted. Such a document shall contain a notification in the upper right hand corner of the first page stating "REDACTED VERSION FOR PUBLIC FILING CLEARED BY CSO." In the event an entire document is deemed classified or protected, a "version of

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the document suitable for public viewing" shall mean one page "half sheet" containing the caption of the case, a version of the title of the document that does not disclose classified or protected information, and a brief statement that the CSO has informed counsel that the entire document is classified or protected. The docket entry description in the CM/ECF system for the document suitable for public viewing shall make specific reference to the earlier docket entry notifying the Court that the document had been submitted to the CSO for review.

51. Any pleading or other document filed by counsel for the respondents containing classified or protected information shall be filed under seal with the Court through the CSO. In addition, counsel for respondents shall file in the CM/ECF system a version of the document suitable for public viewing as that phrase is defined in the preceding paragraph.

52. Nothing herein shall require the government to disclose classified or protected information. Nor shall anything herein prohibit the government from submitting classified information or protected information to the Court in camera or ex parte in these proceedings, or entitle petitioners or petitioners' counsel access to such submissions or information. Except for good cause shown in the filing, the government shall provide counsel for the

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petitioner or petitioners with notice served on such counsel on the date of the filing.

Penalties for Unauthorized Disclosure

53. Any unauthorized disclosure of classified information may constitute violations of United States criminal laws. In addition, any violation of the terms of this Protective Order shall be immediately brought to the attention of the Court and may result in a charge of contempt of Court and possible referral for criminal prosecution. See e.g., Executive Order 12958, as amended. Any breach of this Protective Order may also result in the termination of access to classified information and protected information. Persons subject to this Protective Order are advised that direct or indirect unauthorized disclosure, retention, or negligent handling of classified documents or information could cause damage to the national security of the United States or may be used to the advantage of an adversary of the United States or against the interests of the United States. Persons subject to this Protective Order are also advised that direct or indirect unauthorized disclosure, retention, or negligent handling of protected documents or information could risk the security of United States government personnel and facilities, and other significant government interests. This Protective Order is to ensure that those authorized to receive

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classified information and protected information will not divulge this information to anyone who is not authorized to receive it, without prior written authorization from the original classification authority and in conformity with this Protective Order.

54. The termination of these proceedings shall not relieve any person or party provided classified information or protected information of his, her, or its obligations under this Protective Order.

IT IS SO ORDERED.

December 14, 2005

/s/
RICHARD W. ROBERTS
United States District Judge

Exhibit A

**REVISED PROCEDURES FOR COUNSEL ACCESS TO DETAINEES
AT THE U.S. NAVAL BASE IN GUANTANAMO BAY, CUBA**

I. Applicability

Except as otherwise stated herein or by other Order issued in the United States District Court for the District of Columbia, the following procedures shall govern counsel access to all detainees in the control of the Department of Defense ("DoD") at the U.S. Naval Base in Guantanamo Bay, Cuba ("GTMO") by counsel for purposes of litigating the cases in which this Order is issued.

These procedures do not apply to counsel who are retained solely to assist in the defense of a detainee in a trial by military commission. Access by that counsel is covered by the Procedures for Monitoring Communications Between Detainees Subject to Trial by Military Commission and their Defense Counsel Pursuant to Military Commission Order No. 3.

II. Definitions

A. Communications: All forms of communication between counsel and a detainee, including oral, written, electronic, or by any other means.

B. Counsel: An attorney who is employed or retained by or on behalf of a detainee for purposes of representing the detainee in the United States District Court for the District of Columbia and who is admitted, either generally or pro hac vice, in this Court. Unless otherwise stated, "counsel" also includes co-counsel, interpreters, translators, paralegals, investigators and all other personnel or support staff employed or engaged to assist in the litigation.

C. Detainee: An individual detained by DoD as an alleged enemy combatant at the U.S. Naval Base in Guantanamo Bay, Cuba.

D. Privilege Team: A team comprised of one or more DoD attorneys and one or more intelligence or law enforcement personnel who have not taken part in, and, in the future, will not take part in, any domestic or foreign court, military commission or combatant status tribunal proceedings involving the detainee. If required, the privilege team may include interpreters/translators, provided that such personnel meet these same criteria.

E. Legal Mail: Letters written between counsel and a detainee that are related to the counsel's representation of the detainee, as well as privileged documents and publicly-filed legal documents relating to that representation.

III. Requirements for Access to and Communication with Detainees

A. Security Clearance:

1. Counsel must hold a valid current United States security clearance at the Secret level or higher, or its equivalent (as determined by appropriate DoD intelligence personnel).
2. Counsel who possess a valid security clearance shall provide, in writing, the date of their background investigation, the date such clearance was granted, the level of the clearance, and the agency who granted the clearance. Access will be granted only after DoD verification of the security clearance.
3. Counsel who does not currently possess a Secret clearance will be required to submit to an application for clearance to the Department of Justice, Litigation Security Division.

B. Acknowledgment of and Compliance with Access Procedures

1. Before being granted access to the detainee, counsel will receive a copy of these procedures. To have access to the detainee, counsel must agree to comply fully with these procedures and must sign an affirmation acknowledging his/her agreement to comply with them.
2. This affirmation will not be considered an acknowledgment by counsel that the procedures are

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EXHIBIT A

legally permissible. Even if counsel elects to challenge these procedures, counsel may not knowingly disobey an obligation imposed by these procedures.

3. The DoD expects that counsel, counsel's staff, and anyone acting on the behalf of the attorney will fully abide by the requirements of this document. Counsel is required to provide the DoD with signed affirmations from interpreters, translators, paralegals, investigators and all other personnel or support staff employed or engaged to assist in the litigation, upon utilization of those individuals by counsel in a manner that implicates these procedures.
4. Should counsel fail to comply with the procedures set forth in this document, access to or communication with the detainee will not be permitted.

C. Verification of Representation

1. Prior to being permitted access to the detainee, counsel must provide DoD with a *Notification of Representation*. This Notification must include the counsel's licensing information, business and email addresses and phone number, as well as the name of the detainee being represented by the counsel. Additionally, counsel shall provide evidence of his or her authority to represent the detainee.
2. Counsel shall provide evidence of his or her authority to represent the detainee as soon as practicable and in any event no later than ten (10) days after the conclusion of a second visit with the detainee. The Court recognizes that counsel may not be in a position to present such evidence after the initial meeting with a detainee. Counsel for detainees and counsel for respondents shall cooperate to the fullest extent possible to reach a reasonable agreement on the number of counsel visits allowed. Should counsel for a detainee believe that the government is unreasonably limiting the number of visits with a detainee, counsel may petition the Court at the appropriate time for relief.

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3. If the counsel withdraws from representation of the detainee or if the representation is otherwise terminated, counsel is required to inform DoD immediately of that change in circumstances.
4. Counsel must provide DoD with a signed representation stating that to the best of counsel's knowledge after reasonable inquiry, the source of funds to pay counsel any fees or reimbursement of expenses are not funded directly or indirectly by persons or entities the counsel believes are connected to terrorism or the product of terrorist activities, including "Specially Designated Global Terrorists," identified pursuant to Exec. Order No. 13,224, 66 Fed. Reg. 49,079 (Sept. 23, 2001) or Exec. Order No. 12,947, 60 Fed. Reg. 5079 (Jan. 23, 1995), and (b) counsel has complied with ABA Model Rule 1.8(f).

D. Logistics of Counsel Visits

1. Counsel shall submit to the Department of Justice (DoJ) any request to meet with a detainee. This request shall specify date(s) of availability for the meeting, the desired duration of the meeting and the language that will be utilized during the meeting with the detainee. Reasonable efforts will be made to accommodate the counsel's request regarding the scheduling of a meeting. Once the request has been approved, DoJ will contact counsel with the date and duration of the meeting.
2. Legal visits shall take place in a room designated by JTF-Guantanamo. No more than two attorneys (or one attorney and one assistant) plus one interpreter/translator shall visit with a detainee at one time, unless approved in advance by the Commander, JTF-Guantanamo. Such approval shall not be unreasonably withheld.
3. Due to the mission and location of the US Naval Base at Guantanamo Bay, Cuba, certain logistical details will need to be coordinated by counsel prior to arrival. This includes arrangements for travel and lodging. Specific information regarding these issues will be provided by DoJ.

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EXHIBIT A

4. In order to travel to GTMO, all counsel must have a country and theater clearance for that specific visit. In order to begin processing country and theater clearances, counsel must have confirmed flight information for travel to GTMO and a valid current United States security clearance at the Secret level or higher, or its equivalent (as determined by appropriate DoD intelligence personnel). Country and theater clearances require twenty (20) days to process. Accordingly, counsel shall provide DoD, through DoJ, with the required information no later than 20 days prior to the GTMO visit date, or as soon as a visit is scheduled. Requests for visits made inside of 20 days will not normally be granted.

IV. Procedures for Correspondence Between Counsel and Detainee

A. Mail Sent by Counsel to Detainee ("Incoming Mail")

1. Counsel shall send incoming legal mail for a detainee to the privilege team at the appropriate address provided by government counsel. Each envelope or mailer shall be labeled with the name of the detainee and shall include a return address for counsel sending the materials. The outside of the envelope or mailer for incoming legal mail shall be labeled clearly with the following annotation: "Attorney-Detainee Materials-For Mail Delivery to Detainee."
2. Each page of legal mail shall be labeled "Attorney-Detainee Materials." No staples, paper clips or any non-paper items shall be included with the documents.
3. Upon receiving legal mail from counsel for delivery to the detainee, the privilege team shall open the envelope or mailer to search the contents for prohibited physical contraband. Within two (2) business days of receipt of legal mail, and assuming no physical contraband is present, the privilege team shall forward the mail to military personnel at GTMO in a sealed envelope marked "Legal Mail Approved by Privilege Team" and clearly indicating the identity of the detainee to which the legal mail is to be delivered. The privilege team shall return to the sender any incoming mail that does not comply with the terms of paragraphs IV.A.1., 2.

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EXHIBIT A

4. Within two (2) business days of receipt of legal mail from the privilege team, personnel at GTMO shall deliver the envelope or mailer marked by the privilege team as "Legal Mail Approved by the Privilege Team" to the detainee without opening the envelope or mailer. If counsel desires confirmation that the documents were delivered to the detainee, counsel is responsible for providing a stamped, self-addressed envelope for that purpose. The detainee shall be responsible for mailing any confirmation of delivery to counsel as outgoing legal mail. This method shall be the sole and exclusive means by which confirmation of delivery is provided to counsel.
5. Written correspondence to a detainee not falling within the definition of legal mail shall be sent through the United States Postal Service to the appropriate address provided by government counsel. Non-legal mail includes, but is not limited to, letters from persons other than counsel, including family and friends of the detainee. These non-privileged communications will be reviewed by military personnel at GTMO under the standard operating procedures for detainee non-legal mail.
6. Counsel is required to treat all information learned from a detainee, including any oral and written communications with a detainee, as classified information, unless and until the information is submitted to the privilege team and determined to be otherwise by the privilege team or by this Court or another court. Accordingly, if a counsel's correspondence contains any summary or recitation of or reference to a communication with a detainee that has not been previously determined to be unclassified, the correspondence shall be prepared, marked, transported and handled as classified material as required by Executive Order 12958, DOD Regulation 5200.1-R and AI 26, OSD Information and Security Supplement to DOD Regulation 5200.1R.
7. Written and oral communications with a detainee, including all incoming legal mail, shall not include information relating to any ongoing or completed military, intelligence, security, or law enforcement operations, investigations, or arrests, or the results

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EXHIBIT A

of such activities, by any nation or agency or current political events in any country that are not directly related to counsel's representation of that detainee; or security procedures at GTMO (including names of U.S. Government personnel and the layout of camp facilities) or the status of other detainees, not directly related to counsel's representation.

B. Mail Sent by Detainee to Counsel ("Outgoing Mail")

1. Detainees will be provided with paper to prepare communications to counsel. In the presence of military personnel, the detainee will seal the written communication into an envelope and it will be annotated as "Attorney-Detainee Materials-For Mail Delivery To Counsel." Each envelope shall be labeled with the name of the detainee and the counsel. Envelopes annotated with the name of persons other than the detainee's counsel (including family/friends or other attorneys) shall be processed according to the standard operating procedures for detainee non-legal mail.
2. Military personnel will collect the outgoing legal mail within one (1) business day of being notified by the detainee that the communication is prepared for sealing and mailing.
3. After the outgoing legal mail is collected from the detainee, the envelope will be sealed into a larger envelope by military personnel at Guantanamo which will be marked as "Attorney-Detainee Materials-For Mail Delivery To Counsel" and will be annotated with the name of the detainee and the counsel. The envelope will be sealed and mailed in the manner required for classified materials. Within two (2) business days of receipt from the detainee, the communication will be mailed to the appropriate address as provided by government counsel.
4. Detainees also are permitted to send non-legal mail, including written communications to persons other than counsel, through the United States Postal Service. These communications shall be reviewed by military personnel at Guantanamo under the standard operating procedures for detainee non-legal mail.

5. In the event any non-legal correspondence or messages from a detainee to individuals other than his counsel (including family/friends or other attorneys) are sent to counsel as, or included with, legal mail, counsel shall return the documents to military personnel at GTMO for processing according to the standard operating procedures for detainee non-legal mail.

V. Materials Brought Into A Meeting With Detainee And Counsel

- A. Counsel shall bring only legal mail, writing utensils and paper into any meeting with a detainee unless counsel has received prior approval from the Commander, JTF-GTMO. The Commander shall not unreasonably withhold approval for counsel to bring into a meeting with a detainee letters, tapes, or other communications introducing counsel to the detainee, if the government has first reviewed the communication and determined that sharing the communication with the detainee would not threaten the security of the United States.
- B. Written and oral communications with a detainee, including all documents brought into a meeting with a detainee, shall not include information relating to any ongoing or completed military, intelligence, security, or law enforcement operations, investigations, or arrests, or the results of such activities, by any nation or agency or current political events in any country that are not directly related to counsel's representation of that detainee; or security procedures at GTMO (including names of U.S. Government personnel and the layout of camp facilities) or the status of other detainees, not directly related to counsel's representation.

VI. Materials Brought Out Of A Meeting With Detainee and Counsel

- A. Upon the completion of each meeting with a detainee or during any break in a meeting session, counsel will give the notes or documents used or produced during the meeting to a designated individual at Guantanamo. These materials will be sealed in the presence of counsel and will be handled as classified material as required by Executive Order 12958, DOD Regulation 5200.1-R and AI 26, OSD Information Security Supplement to DOD Regulation 5200.1R.

- B. Upon the completion of the counsel's visit to Guantanamo, the notes or documents used or produced during the visit shall be sealed in the presence of counsel and placed in an envelope labeled as "Attorney-Detainee Meeting Documents-For Delivery to Counsel." The envelope shall be sealed into a larger envelope by military personnel at Guantanamo which shall be marked as "Attorney-Detainee Meeting Documents-For Mail Delivery To Counsel" and shall be annotated with the name of the detainee and the counsel. The envelope shall be sealed and mailed in the manner required for classified materials. Within two (2) business days following the completion of the counsel's visit to Guantanamo, the package shall be mailed to the appropriate address provided by government counsel.
- C. Correspondence or messages from a detainee to individuals other than his counsel (including family/friends or other attorneys) shall not be handled through this process. If a detainee provides these communications to his counsel during a visit, counsel shall give those communications to military personnel at Guantanamo so they can be processed under the standard operating procedures for detainee non-legal mail.

VII. Classification Determination of Detainee Communications

- A. Counsel may submit information learned from a detainee to the privilege team for a determination of its appropriate security classification. Counsel shall memorialize the information submitted for classification review into a written memorandum outlining as specifically as possible the information for which counsel requests a classification determination. All documents submitted for classification review shall be prepared, handled and treated in the manner required for classified materials, as provided by as required by Executive Order 12958, DOD Regulation 5200.1-R and AI 26, OSD Information Security Supplement to DOD Regulation 5200.1R. No information derived from these submissions shall be disclosed outside the privilege team pursuant to these procedures until after the privilege team has reviewed it for security and intelligence purposes. Absent express consent given by the Court, or except as

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EXHIBIT A

otherwise provided in this document, the submissions shall not be disclosed to any person involved in the interrogation of a detainee, and no such individual may make any use of those communications whatsoever, nor shall the submissions be disclosed to any Government personnel involved in any domestic or foreign court, military commission or combatant status tribunal proceedings involving the detainee.

- B. Counsel shall send all materials submitted for classification review to the appropriate address to be provided by government counsel. The outside of the envelope or mailer shall be clearly labeled "Attorney-Detainee Meeting Documents-For Classification Review By Privilege Team." Each envelope or mailer shall be annotated with the name of the detainee and the counsel. Each page of the document submitted for classification review shall be marked "Attorney-Detainee Materials" and "Classified." The envelope or mailer will be sealed and mailed in the manner required for classified materials.
- C. As soon as possible after conducting the classification review, the privilege team shall advise counsel of the classification levels of the information contained in the materials submitted for review. The privilege team shall forward its classification determination directly to counsel after a review and analysis period not to exceed, from the time of receipt by the privilege team:
 - 1. Seven (7) business days for information that is written in the English language;
 - 2. Fourteen (14) business days for any information that includes writing in any language other than English, to allow for translations by the privilege team;
 - 3. Twenty (20) business days for any information where the privilege team has reason to believe that a code was used, to allow for further analysis.
- D. While conducting classification review, the privilege team shall promptly report any information that reasonably could be expected to result in immediate and substantial harm to the national security to the Commander, JTF-Guantanamo. In his discretion, the

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EXHIBIT A

Commander, JTF-Guantanamo may disseminate the relevant portions of the information to law enforcement, military and intelligence officials as appropriate.

- E. If, at any time, the privilege team determines that information in the documents submitted for classification review relate to imminent acts of violence, the privilege team shall report the contents of those documents to Commander, JTF-Guantanamo. In his discretion, the Commander, JTF-Guantanamo may disseminate the relevant portions of the information to law enforcement, military and intelligence officials.
- F. The privilege team shall not disclose any information submitted by counsel for classification review outside the privilege team, except as provided by these procedures or as permitted by counsel submitting the information.

VIII. Telephonic Access to Detainee

- A. Requests for telephonic access to the detainee by counsel or other persons will not normally be approved. Such requests may be considered on a case-by-case basis due to special circumstances and must be submitted to Commander, JTF-Guantanamo.
- B. Any telephonic access by counsel will be subject to appropriate security procedures, but shall not include contemporaneous monitoring or recording.
- C. Any telephonic access by persons other than counsel will be subject to appropriate security procedures, including contemporaneous monitoring and recording.

IX. Counsel's Handling And Dissemination Of Information From Detainee

- A. Subject to the terms of any applicable protective order, counsel may disseminate the unclassified contents of the detainee's communications for purposes reasonably related to their representation of that detainee.

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EXHIBIT A

- B. Counsel is required to treat all information learned from a detainee, including any oral and written communications with a detainee, as classified information, unless and until the information is submitted to the privilege team and determined to be otherwise. All classified material must be handled, transported and stored in a secure manner, as provided by Executive Order 12958, DOD Regulation 5200.1-R and AI 26, OSD Information Security Supplement to DOD Regulation 5200.1R.
- C. Counsel shall disclose to DoJ or Commander, JTF-Guantanamo any information learned from a detainee involving future events that threaten national security or involve imminent violence.
- D. Counsel may not divulge classified information not learned from the detainee to the detainee. Counsel may not otherwise divulge classified information related to a detainee's case to anyone except those with the requisite security clearance and need to know using a secure means of communication. Counsel for detainees in the coordinated cases pending in the United States District Court for the District of Columbia are presumed to have a "need to know" information in related cases pending before this Court. Counsel for respondents in those cases may challenge this presumption on a case-by-case basis for good cause shown.

X. JTF-Guantanamo Security Procedures

- A. Counsel and translators/interpreters shall comply with the following security procedures and force protection safeguards applicable to the US Naval Base in Guantanamo Bay, Cuba, JTF-Guantanamo and the personnel assigned to or visiting these locations, as well as any supplemental procedures implemented by JTF-Guantanamo personnel.
- B. Contraband is not permitted in JTF-Guantanamo and all visitors are subject to search upon arrival and departure. Examples of contraband include, but are not limited to, weapons, chemicals, drugs, and materials that may be used in an escape attempt. Contraband also includes money, stamps, cigarettes, writing

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EXHIBIT A

instruments, etc. No items of any kind may be provided to the detainee without the advance approval of the Commander, JTF-Guantanamo.

- C. Photography or recording of any type is prohibited without the prior approval of the Commander, JTF-Guantanamo. No electronic communication devices are permitted. All recording devices, cameras, pagers, cellular phones, PDAs, laptops, portable electronic devices and related equipment are prohibited in or near JTF-Guantanamo. Should any of these devices be inadvertently taken into a prohibited area, the device must be surrendered to JTF-Guantanamo staff and purged of all information.
- D. Upon arrival at JTF-Guantanamo, security personnel will perform a contraband inspection of counsel and translators/interpreters using metal detectors as well as a physical inspection of counsel's bags and briefcases and, if determined necessary, a physical inspection of his/her person.
- E. Counsel shall not be permitted to interview or question members of the Joint Task Force about their duties or interactions with detainees without first obtaining permission from the Commander, Joint Task Force Guantanamo. Should permission be unreasonably denied, counsel may seek an Order from this Court granting permission for good cause shown.
- F. Counsel will meet with a detainee in conference facilities provided by GTMO. These facilities are subject to visual monitoring by closed circuit TV for safety and security reasons. (The only other method of visual observation available is for the door to remain open with military police sitting outside the door.). No oral communications between counsel and detainee will be heard.
- G. At the conclusion of a meeting with a detainee, counsel and translators/interpreters will again be inspected using a metal detector and, if deemed necessary, by physical inspection of their persons.

Exhibit B

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
, et al.)	
)	
Petitioners,)	
)	
v.	)	Civil Action No.
)	
GEORGE W. BUSH,)	
President of the United)	
States, et al.,)	
)	
Respondents.)	

MEMORANDUM OF UNDERSTANDING REGARDING ACCESS TO
CLASSIFIED NATIONAL SECURITY INFORMATION

Having familiarized myself with the applicable statutes, regulations, and orders related to, but not limited to, unauthorized disclosure of classified information, espionage and related offenses; The Intelligence Identities Protection Act, 50 U.S.C. § 421; 18 U.S.C. § 641; 50 U.S.C. § 783; 28 C.F.R. § 17 et seq.; and Executive Order 12958; I understand that I may be the recipient of information and documents that belong to the United States and concern the present and future security of the United States, and that such documents and information together with the methods and sources of collecting it are classified by the United States government. In consideration for the disclosure of classified information and documents:

(1) I agree that I shall never divulge, publish, or reveal either by word, conduct or any other means, such classified

EXHIBIT B

documents and information unless specifically authorized in writing to do so by an authorized representative of the United States government, or as expressly authorized by the Protective Order entered in the United States District Court for the District of Columbia in the case captioned _____ v. George W. Bush, No. _____.

(2) I agree that this Memorandum of Understanding and any other non-disclosure agreement signed by me will remain forever binding on me.

(3) I have received, read, and understand the Protective Order entered by the United States District Court for the District of Columbia in the case captioned _____ v. George W. Bush, No. _____, and I agree to comply with the provisions thereof.

Date

Date

Exhibit C

EXHIBIT C

ACKNOWLEDGMENT

The undersigned hereby acknowledges that he/she has read the Protective Order entered in the United States District Court for the District of Columbia in the case captioned _____ v. George W. Bush, No. _____, understands its terms, and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned agrees not to use or disclose any protected information or documents made available to him/her other than as provided by the Protective Order. The undersigned acknowledges that his/her duties under the Protective Order shall survive the termination of this case and are permanently binding, and that failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: _____ BY: _____
(type or print name)

SIGNED: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Hicks (Rasul) v. Bush	)	Case No. 02-CV-0299 (CKK)
Al Odah v. United States	)	Case No. 02-CV-0828 (CKK)
Habib v. Bush	)	Case No. 02-CV-1130 (CKK)
Kurnaz v. Bush	)	Case No. 04-CV-1135 (ESH)
Khadr v. Bush	)	Case No. 04-CV-1136 (JDB)
Begg v. Bush	)	Case No. 04-CV-1137 (RMC)
El-Banna v. Bush	)	Case No. 04-CV-1144 (RWR)
Gherebi v. Bush	)	Case No. 04-CV-1164 (RBW)
Anam v. Bush	)	Case No. 04-CV-1194 (HHK)
Almurbati v. Bush	)	Case No. 04-CV-1227 (RBW)
Abdah v. Bush	)	Case No. 04-CV-1254 (HHK)
Hamdan v. Bush	)	Case No. 04-CV-1519 (JR)
Al-Qosi v. Bush	)	Case No. 04-CV-1937 (PLF)
Paracha v. Bush	)	Case No. 04-CV-2022 (PLF)
Al-Marri v. Bush	)	Case No. 04-CV-2035 (GK)
Zemiri v. Bush	)	Case No. 04-CV-2046 (CKK)
Deghayes v. Bush	)	Case No. 04-CV-2215 (RMC)
Mustapha v. Bush	)	Case No. 05-CV-0022 (JR)
Abdullah v. Bush	)	Case No. 05-CV-0023 (RWR)
Al-Mohammed v. Bush	)	Case No. 05-CV-0247 (HHK)

El-Mashad v. Bush	)	Case No. 05-CV-0270 (JR) (consolidated with 05-CV-833)
Al-Adahi v. Bush	)	Case No. 05-CV-0280 (GK)
Al-Joudi v. Bush	)	Case No. 05-CV-0301 (GK)
Doe 1-570 v. Bush	)	Case No. 05-CV-0313 (CKK)
Al-Wazan v. Bush	)	Case No. 05-CV-0329 (PLF)
Al-Anazi v. Bush	)	Case No. 05-CV-0345 (JDB)
Alhami v. Bush	)	Case No. 05-CV-0359 (GK)
Ameziane v. Bush	)	Case No. 05-CV-0392 (ESH)
Batarfi v. Bush	)	Case No. 05-CV-0409 (EGS)
Sliti v. Bush	)	Case No. 05-CV-0429 (RGL)
Kabir v. Bush	)	Case No. 05-CV-0431 (RGL)
Qayed v. Bush	)	Case No. 05-CV-0454 (RMU)
Al-Shihry v. Bush	)	Case No. 05-CV-0490 (PLF)
Aziz v. Bush	)	Case No. 05-CV-0492 (JR)
Al-Oshan v. Bush	)	Case No. 05-CV-0520 (RMU)
Tumani v. Bush	)	Case No. 05-CV-0526 (RMU)
Al-Oshan v. Bush	)	Case No. 05-CV-0533 (RJL)
Salahi v. Bush	)	Case No. 05-CV-0569 (JR) (Consolidated with 05-CV-0881) (Consolidated with 05-CV-0995)
Mammar v. Bush	)	Case No. 05-CV-0573 (RJL)
Al-Sharekh v. Bush	)	Case No. 05-CV-0583 (RJL)

Magram v. Bush	)	Case No. 05-CV-0584 (CKK)
Al Rashedan v. Bush	)	Case No. 05-CV-0586 (RWR)
Mokit v. Bush	)	Case No. 05-CV-0621 (PLF)
Al Daini v. Bush	)	Case No. 05-CV-0634 (RWR)
Errachidi v. Bush	)	Case No. 05-CV-0640 (EGS)
Ahmed v. Bush	)	Case No. 05-CV-0665 (RWR)
Battayav v. Bush	)	Case No. 05-CV-0714 (RBW)
Adem v. Bush	)	Case No. 05-CV-0723 (RWR)
Aboassy v. Bush	)	Case No. 05-CV-0748 (RMC)
Hamlily v. Bush	)	Case No. 05-CV-0763 (JDB)
Imran v. Bush	)	Case No. 05-CV-0764 (CKK)
Al Habashi v. Bush	)	Case No. 05-CV-0765 (EGS)
Al Hamamy v. Bush	)	Case No. 05-CV-0766 (RJL)
Hamoodah v. Bush	)	Case No. 05-CV-0795 (RJL)
Khiali-Gul v. Bush	)	Case No. 05-CV-0877 (JR)
Rahmattullah v. Bush	)	Case No. 05-CV-0878 (CKK)
Mohammad v. Bush	)	Case No. 05-CV-0879 (RBW)
Nasrat v. Bush	)	Case No. 05-CV-0880 (ESH)
Rahman v. Bush	)	Case No. 05-CV-0882 (GK)
Bostan v. Bush	)	Case No. 05-CV-0883 (RBW)
Muhibullah v. Bush	)	Case No. 05-CV-0884 (RMC)
Mohammad v. Bush	)	Case No. 05-CV-0885 (GK)

Wahab v. Bush	)	Case No. 05-CV-0886 (EGS)
Chaman v. Bush	)	Case No. 05-CV-0887 (RWR)
Gul v. Bush	)	Case No. 05-CV-0888 (CKK)
Basardh v. Bush	)	Case No. 05-CV-0889 (ESH)
Khan v. Bush	)	Case No. 05-CV-0890 (RMC)
Nasrullah v. Bush	)	Case No. 05-CV-0891 (RBW)
Shaaban v. Bush	)	Case No. 05-CV-0892 (CKK)
Sohail v. Bush	)	Case No. 05-CV-0993 (RMU)
Tohirjanovich v. Bush	)	Case No. 05-CV-0994 (JDB)
Khudaidad v. Bush	)	Case No. 05-CV-0997 (PLF)
Al Karim v. Bush	)	Case No. 05-CV-0998 (RMU)
Al-Khalaqi v. Bush	)	Case No. 05-CV-0999 (RBW)
Sarajuddin v. Bush	)	Case No. 05-CV-1000 (PLF)
Kahn v. Bush	)	Case No. 05-CV-1001 (ESH)
Mohammed v. Bush	)	Case No. 05-CV-1002 (EGS)
Mangut v. Bush	)	Case No. 05-CV-1008 (JDB)
Hamad v. Bush	)	Case No. 05-CV-1009 (JDB)
Khan v. Bush	)	Case No. 05-CV-1010 (RJL)
Zuhoor v. Bush	)	Case No. 05-CV-1011 (JR)
Ali Shah v. Bush	)	Case No. 05-CV-1012 (ESH)
Salaam v. Bush	)	Case No. 05-CV-1013 (JDB)
Al-Hela v. Bush	)	Case No. 05-CV-1048 (RMU)

Mousovi v. Bush	)	Case No. 05-CV-1124 (RMC)
Khalifh v. Bush	)	Case No. 05-CV-1189 (JR)
Zalita v. Bush	)	Case No. 05-CV-1220 (RMU)
Ahmed v. Bush	)	Case No. 05-CV-1234 (EGS)
Baqi v. Bush	)	Case No. 05-CV-1235 (PLF)
Aminullah v. Bush	)	Case No. 05-CV-1237 (ESH)
Ghalib v. Bush	)	Case No. 05-CV-1238 (CKK)
Al Khaiv v. Bush	)	Case No. 05-CV-1239 (RJL)
Bukhari v. Bush	)	Case No. 05-CV-1241 (RMC)
Pirzai v. Bush	)	Case No. 05-CV-1242 (RCL)
Peerzai v. Bush	)	Case No. 05-CV-1243 (RCL)
Alsawam v. Bush	)	Case No. 05-CV-1244 (CKK)
Mohammadi v. Bush	)	Case No. 05-CV-1246 (RWR)
Al Ginco v. Bush	)	Case No. 05-CV-1310 (RJL)
Ullah v. Bush	)	Case No. 05-CV-1311 (RCL)
Al Bihani v. Bush	)	Case No. 05-CV-1312 (RJL)
Mohammed v. Bush	)	Case No. 05-CV-1347 (GK)
Saib v. Bush	)	Case No. 05-CV-1353 (RMC)
Hatim v. Bush	)	Case No. 05-CV-1429 (RMU)
Al-Subaiy v. Bush	)	Case No. 05-CV-1453 (RMU)
Dhiab v. Bush	)	Case No. 05-CV-1457 (GK)
Ahmed Doe v. Bush	)	Case No. 05-CV-1458 (ESH)

Sadkhan v. Bush	)	Case No. 05-CV-1487 (RMC)
Faizullah v. Bush	)	Case No. 05-CV-1489 (RMU)
Faraj v. Bush	)	Case No. 05-CV-1490 (PLF)
Khan v. Bush	)	Case No. 05-CV-1491 (JR)
Ahmad v. Bush	)	Case No. 05-CV-1492 (RCL)
Amon v. Bush	)	Case No. 05-CV-1493 (RBW)
Al Wirghi v. Bush	)	Case No. 05-CV-1497 (RCL)
Nabil v. Bush	)	Case No. 05-CV-1504 (RMC)
Al Hawary v. Bush	)	Case No. 05-CV-1505 (RMC)
Shafiiq v. Bush	)	Case No. 05-CV-1506 (RMC)
Kiyemba v. Bush	)	Case No. 05-CV-1509 (RMU)
Idris v. Bush	)	Case No. 05-CV-1555 (JR) (Consolidated with 05-CV-1725)
Attash v. Bush	)	Case No. 05-CV-1592 (RCL)
Al Razak v. Bush	)	Case No. 05-CV-1601 (GK)
Mamet v. Bush	)	Case No. 05-CV-1602 (ESH)
Rabbani v. Bush	)	Case No. 05-CV-1607 (RMU)
Zahir v. Bush	)	Case No. 05-CV-1623 (RWR) (Consolidated with 05-CV-01236)
Akhtiar v. Bush	)	Case No. 05-CV-1635 (PLF)
Ghanem v. Bush	)	Case No. 05-CV-1638 (CKK)
Albkri v. Bush	)	Case No. 05-CV-1639 (RBW)
Al-Badah v. Bush	)	Case No. 05-CV-1641 (CKK)

Almerfedi v. Bush	)	Case No. 05-CV-1645 (PLF)
Zaid v. Bush	)	Case No. 05-CV-1646 (JDB)
Al-Bahooth v. Bush	)	Case No. 05-CV-1666 (ESH)
Al-Siba'i v. Bush	)	Case No. 05-CV-1667 (RBW)
Al-Uwaidah v. Bush	)	Case No. 05-CV-1668 (GK)
Al-Jutaili v. Bush	)	Case No. 05-CV-1669 (TFH)
Ali Ahmed v. Bush	)	Case No. 05-CV-1678 (GK)
Khandan v. Bush	)	Case No. 05-CV-1697 (RBW)
Kabir (Sadar Doe) v. Bush	)	Case No. 05-CV-1704 (JR)
Al-Rubaish v. Bush	)	Case No. 05-CV-1714 (RWR)
Qasim v. Bush	)	Case No. 05-CV-1779 (JDB)
Sameur v. Bush	)	Case No. 05-CV-1806 (CKK)
Al-Harbi v. Bush	)	Case No. 05-CV-1857 (CKK)
Aziz v. Bush	)	Case No. 05-CV-1864 (HHK)
Mamet v. Bush	)	Case No. 05-CV-1886 (EGS)
Hamoud v. Bush	)	Case No. 05-CV-1894 (RWR)
Al-Qahtani v. Bush	)	Case No. 05-CV-1971 (RMC)
Alkhemisi v. Bush	)	Case No. 05-CV-1983 (RMU)
Gamil v. Bush	)	Case No. 05-CV-2010 (JR)
Al-Shabany v. Bush	)	Case No. 05-CV-2029 (JDB)
Zakirjan v. Bush	)	Case No. 05-CV-2053 (HHK)
Muhammed v. Bush	)	Case No. 05-CV-2087 (RMC)

Othman v. Bush	)	Case No. 05-CV-2088 (RWR)
Ali Al Jayfi v. Bush	)	Case No. 05-CV-2104 (RBW)
Jamolovich v. Bush	)	Case No. 05-CV-2112 (RBW)
Al-Mudafari v. Bush	)	Case No. 05-CV-2185 (JR)
Al-Mithali v. Bush	)	Case No. 05-CV-2186 (ESH)
Al-Asadi v. Bush	)	Case No. 05-CV-2197 (HHK)
Alhag v. Bush	)	Case No. 05-CV-2199 (HHK)
Nakheelan v. Bush	)	Case No. 05-CV-2201 (ESH)
Al Subaie v. Bush	)	Case No. 05-CV-2216 (RCL)
Ghazy v. Bush	)	Case No. 05-CV-2223 (RCL)
Al Khatemi v. Bush	)	Case No. 05-CV-2248 (ESH)
Al-Shimrani v. Bush	)	Case No. 05-CV-2249 (RMC)
Amin v. Bush	)	Case No. 05-CV-2336 (PLF)
Al Sharbi v. Bush	)	Case No. 05-CV-2348 (EGS)
Ben Bacha v. Bush	)	Case No. 05-CV-2349 (RMC)
Zadran v. Bush	)	Case No. 05-CV-2367 (RWR)
Alsaaci v. Bush	)	Case No. 05-CV-2369 (RWR)
Razakah v. Bush	)	Case No. 05-CV-2370 (EGS)
Al Darby v. Bush	)	Case No. 05-CV-2371 (RCL)
Haleem v. Bush	)	Case No. 05-CV-2376 (RBW)
Al-Ghizzawi v. Bush	)	Case No. 05-CV-2378 (JDB)
Awad v. Bush	)	Case No. 05-CV-2379 (JR)

Al-Baidany v. Bush	)	Case No. 05-CV-2380 (CKK)
Al Rammi v. Bush	)	Case No. 05-CV-2381 (JDB)
Said v. Bush	)	Case No. 05-CV-2384 (RWR)
Mohammon v. Bush	)	Case No. 05-CV-2386 (RBW)
Al-Quhtani v. Bush	)	Case No. 05-CV-2387 (RMC)
Thabid v. Bush	)	Case No. 05-CV-2398 (ESH)
Al Yafie v. Bush	)	Case No. 05-CV-2399 (RJL)
Rimi v. Bush	)	Case No. 05-CV-2427 (RJL)
Almjrd v. Bush	)	Case No. 05-CV-2444 (RMC)
Al Salami v. Bush	)	Case No. 05-CV-2452 (PLF)
Al Shareef v. Bush	)	Case No. 05-CV-2458 (RWR)
Khan v. Bush	)	Case No. 05-CV-2466 (RCL)
Hussein v. Bush	)	Case No. 05-CV-2467 (PLF)
Al-Delebany v. Bush	)	Case No. 05-CV-2477 (RMU)
Al-Harbi v. Bush	)	Case No. 05-CV-2479 (HHK)

NOTICE OF SUPPLEMENTAL AUTHORITY

Respondents hereby give notice of the recent enactment of legislation that, among other things, amends 28 U.S.C. § 2241 to remove court jurisdiction to hear or consider applications for writs of habeas corpus and other actions brought in this Court by or on behalf of aliens detained at Guantanamo Bay, Cuba. See Department of Defense Appropriations Act, 2006, Pub. L. No. ___, § 1005 (2005) (signed by President Bush on Dec. 30, 2005) (copy of relevant excerpts attached).¹ No sooner than the week of January 9, 2006, respondents anticipate filing in each of the above-captioned cases a motion to dismiss or for other appropriate relief based on the new legislation. Prior to or shortly after filing of such motion, respondents will consult with petitioners' counsel in an effort to agree upon a briefing schedule that can be proposed to the Court.

Dated: January 3, 2006

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

DOUGLAS N. LETTER
Terrorism Litigation Counsel

[signature block continued on following page]

¹ Section 1005 is part of Title X of the Department of Defense Appropriations Act, 2006. Title X is also known as the Detainee Treatment Act of 2005. See Department of Defense Appropriations Act, 2006, Pub. L. No. ___, § 1001 (2005).

/s/ Joseph H. Hunt

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H. R. 2863

One Hundred Ninth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the fourth day of January, two thousand and five*

An Act

Making appropriations for the Department of Defense for the fiscal year ending
September 30, 2006, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the fiscal year ending
September 30, 2006, for military functions administered by the
Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest
on deposits, gratuities, permanent change of station travel
(including all expenses thereof for organizational movements), and
expenses of temporary duty travel between permanent duty sta-
tions, for members of the Army on active duty, (except members
of reserve components provided for elsewhere), cadets, and aviation
cadets; for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-377, as
amended (42 U.S.C. 402 note), and to the Department of Defense
Military Retirement Fund, \$28,191,287,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest
on deposits, gratuities, permanent change of station travel
(including all expenses thereof for organizational movements), and
expenses of temporary duty travel between permanent duty sta-
tions, for members of the Navy on active duty (except members
of the Reserve provided for elsewhere), midshipmen, and aviation
cadets; for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-377, as
amended (42 U.S.C. 402 note), and to the Department of Defense
Military Retirement Fund, \$22,788,101,000.

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(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9012. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE X—MATTERS RELATING TO DETAINEES

SEC. 1001. SHORT TITLE.

This title may be cited as the “Detainee Treatment Act of 2005”.

SEC. 1002. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1003. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDITION.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

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(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 1004. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AUTHORIZED INTERROGATIONS.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In any civil action or criminal prosecution against an officer, employee, member of the Armed Forces, or other agent of the United States Government who is a United States person, arising out of the officer, employee, member of the Armed Forces, or other agent’s engaging in specific operational practices, that involve detention and interrogation of aliens who the President or his designees have determined are believed to be engaged in or associated with international terrorist activity that poses a serious, continuing threat to the United States, its interests, or its allies, and that were officially authorized and determined to be lawful at the time that they were conducted, it shall be a defense that such officer, employee, member of the Armed Forces, or other agent did not know that the practices were unlawful and a person of ordinary sense and understanding would not know the practices were unlawful. Good faith reliance on advice of counsel should be an important factor, among others, to consider in assessing whether a person of ordinary sense and understanding would have known the practices to be unlawful. Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(b) COUNSEL.—The United States Government may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation of an officer, employee, member of the Armed Forces, or other agent described in subsection (a), with respect to any civil action or criminal prosecution arising out of practices described in that subsection, under the same conditions, and to the same extent, to which such services and payments are authorized under section 1037 of title 10, United States Code.

SEC. 1005. PROCEDURES FOR STATUS REVIEW OF DETAINEES OUTSIDE THE UNITED STATES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA, AND IN AFGHANISTAN AND IRAQ.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report setting forth—

(A) the procedures of the Combatant Status Review Tribunals and the Administrative Review Boards established by direction of the Secretary of Defense that are

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in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay or to provide an annual review to determine the need to continue to detain an alien who is a detainee; and

(B) the procedures in operation in Afghanistan and Iraq for a determination of the status of aliens detained in the custody or under the physical control of the Department of Defense in those countries.

(2) DESIGNATED CIVILIAN OFFICIAL.—The procedures submitted to Congress pursuant to paragraph (1)(A) shall ensure that the official of the Department of Defense who is designated by the President or Secretary of Defense to be the final review authority within the Department of Defense with respect to decisions of any such tribunal or board (referred to as the “Designated Civilian Official”) shall be a civilian officer of the Department of Defense holding an office to which appointments are required by law to be made by the President, by and with the advice and consent of the Senate.

(3) CONSIDERATION OF NEW EVIDENCE.—The procedures submitted under paragraph (1)(A) shall provide for periodic review of any new evidence that may become available relating to the enemy combatant status of a detainee.

(b) CONSIDERATION OF STATEMENTS DERIVED WITH COERCION.—

(1) ASSESSMENT.—The procedures submitted to Congress pursuant to subsection (a)(1)(A) shall ensure that a Combatant Status Review Tribunal or Administrative Review Board, or any similar or successor administrative tribunal or board, in making a determination of status or disposition of any detainee under such procedures, shall, to the extent practicable, assess—

(A) whether any statement derived from or relating to such detainee was obtained as a result of coercion; and

(B) the probative value (if any) of any such statement.

(2) APPLICABILITY.—Paragraph (1) applies with respect to any proceeding beginning on or after the date of the enactment of this Act.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees specified in subsection (a)(1) a report on any modification of the procedures submitted under subsection (a). Any such report shall be submitted not later than 60 days before the date on which such modification goes into effect.

(d) ANNUAL REPORT.—

(1) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress an annual report on the annual review process for aliens in the custody of the Department of Defense outside the United States. Each such report shall be submitted in unclassified form, with a classified annex, if necessary. The report shall be submitted not later than December 31 each year.

(2) ELEMENTS OF REPORT.—Each such report shall include the following with respect to the year covered by the report:

(A) The number of detainees whose status was reviewed.

(B) The procedures used at each location.

(e) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

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(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

“(e) Except as provided in section 1005 of the Detainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider—

“(1) an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba; or

“(2) any other action against the United States or its agents relating to any aspect of the detention by the Department of Defense of an alien at Guantanamo Bay, Cuba, who—

“(A) is currently in military custody; or

“(B) has been determined by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1005(e) of the Detainee Treatment Act of 2005 to have been properly detained as an enemy combatant.”.

(2) REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the standards and procedures specified by the Secretary of Defense for Combatant Status Review Tribunals (including the requirement that the conclusion of the Tribunal be supported by a preponderance of the evidence and allowing a rebuttable presumption in favor of the Government’s evidence); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the

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release of such alien from the custody of the Department of Defense.

(3) REVIEW OF FINAL DECISIONS OF MILITARY COMMISSIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision rendered pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order).

(B) GRANT OF REVIEW.—Review under this paragraph—

(i) with respect to a capital case or a case in which the alien was sentenced to a term of imprisonment of 10 years or more, shall be as of right; or

(ii) with respect to any other case, shall be at the discretion of the United States Court of Appeals for the District of Columbia Circuit.

(C) LIMITATION ON APPEALS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to an appeal brought by or on behalf of an alien—

(i) who was, at the time of the proceedings pursuant to the military order referred to in subparagraph (A), detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a final decision has been rendered pursuant to such military order.

(D) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on an appeal of a final decision with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the final decision was consistent with the standards and procedures specified in the military order referred to in subparagraph (A); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to reach the final decision is consistent with the Constitution and laws of the United States.

(4) RESPONDENT.—The Secretary of Defense shall be the named respondent in any appeal to the United States Court of Appeals for the District of Columbia Circuit under this subsection.

(f) CONSTRUCTION.—Nothing in this section shall be construed to confer any constitutional right on an alien detained as an enemy combatant outside the United States.

(g) UNITED STATES DEFINED.—For purposes of this section, the term “United States”, when used in a geographic sense, is as defined in section 101(a)(38) of the Immigration and Nationality Act and, in particular, does not include the United States Naval Station, Guantanamo Bay, Cuba.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect on the date of the enactment of this Act.

(2) REVIEW OF COMBATANT STATUS TRIBUNAL AND MILITARY COMMISSION DECISIONS.—Paragraphs (2) and (3) of subsection

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(e) shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act.

SEC. 1006. TRAINING OF IRAQI FORCES REGARDING TREATMENT OF DETAINEES.

(a) **REQUIRED POLICIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall ensure that policies are prescribed regarding procedures for military and civilian personnel of the Department of Defense and contractor personnel of the Department of Defense in Iraq that are intended to ensure that members of the Armed Forces, and all persons acting on behalf of the Armed Forces or within facilities of the Armed Forces, ensure that all personnel of Iraqi military forces who are trained by Department of Defense personnel and contractor personnel of the Department of Defense receive training regarding the international obligations and laws applicable to the humane detention of detainees, including protections afforded under the Geneva Conventions and the Convention Against Torture.

(2) **ACKNOWLEDGMENT OF TRAINING.**—The Secretary shall ensure that, for all personnel of the Iraqi Security Forces who are provided training referred to in paragraph (1), there is documented acknowledgment of such training having been provided.

(3) **DEADLINE FOR POLICIES TO BE PRESCRIBED.**—The policies required by paragraph (1) shall be prescribed not later than 180 days after the date of the enactment of this Act.

(b) **ARMY FIELD MANUAL.**—

(1) **TRANSLATION.**—The Secretary of Defense shall provide for the United States Army Field Manual on Intelligence Interrogation to be translated into arabic and any other language the Secretary determines appropriate for use by members of the Iraqi military forces.

(2) **DISTRIBUTION.**—The Secretary of Defense shall provide for such manual, as translated, to be provided to each unit of the Iraqi military forces trained by Department of Defense personnel or contractor personnel of the Department of Defense.

(c) **TRANSMITTAL OF REGULATIONS.**—Not less than 30 days after the date on which regulations, policies, and orders are first prescribed under subsection (a), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement this section.

(d) **ANNUAL REPORT.**—Not less than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

This division may be cited as the “Department of Defense Appropriations Act, 2006”.